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ON THE CONSTITUTION OF PAPAL CONCLAVES.

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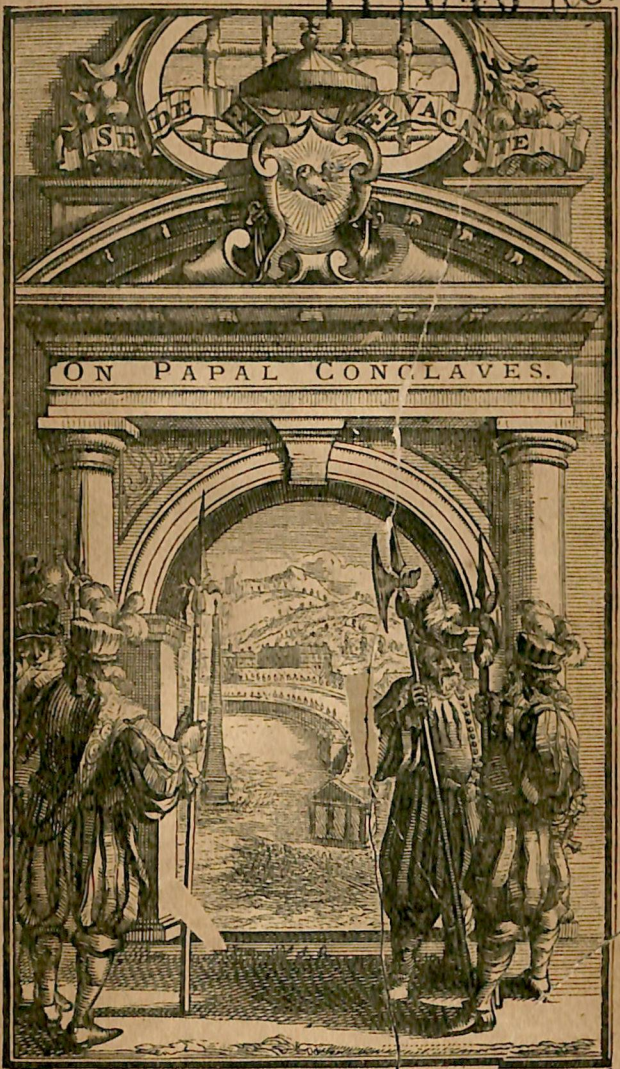

ON PAPAL CONCLAVES.

BY W. C. CARTWRIGHT.

EDINBURGH: EDMONSTON AND DOUGLAS.—MDCCCLXVIII.

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PREFACE.

THIS small volume is the expansion of an article which appeared in No. XC. of the *North British Review*. A lengthened residence in Rome made me follow with much interest what has been happening there during the late eventful years. The circumstance which specially prompted me, in the first instance, to begin the inquiries which have led to this treatise was the case of Cardinal Andrea. When the intention was announced of proceeding against this dignitary in a mode as to the legality of which there arose discussion, I sought to satisfy myself about precedents and canon law on this head; and this inquiry quickly led me beyond the merely special point I had originally in view. It thus happens

that the present publication falls together in time with probably the closing incident in the matter which first suggested composition; for as these pages are going through the press, the news arrive of Cardinal Andrea having returned to Rome in deference to the Pope's citation of him. Another object which occupied my attention when once I found myself engaged in the midst of constitutional questions lying at the root of the Pope's sovereign prerogatives, was to see how far there might be foundation for the assertion so freely dealt in by the upholders of the *Non-Possumus* principle, that the Pope, in the matter of his temporalities, is bound by oaths of such peculiar stringency that he cannot release himself therefrom. Although I had been too much alive to the intricate nature of the subject I was trying to investigate, not to seek every assistance within my reach, I became soon painfully aware that I had been guilty of not a few omissions and downright errors in the original issue. My best thanks are due especially to the criticisms of some Roman friends,

who drew my attention to these slips. I hope that I have now removed these inaccuracies; and that by the additions, which are not inconsiderable, I may have rendered the present publication, what it has been my earnest object to make it, a summary which may be of use to the historical student, wherein he will find constitutional facts stated without passion, or desire to subserve party views.

I must add that the engraved title-page has been taken from the *Histoire des Conclaves*, Cologne 1703.

LONDON, *Christmas Eve* 1867

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I.

MUCH has been written about the Papacy, yet the subject of Papal Elections may be said to have been barely grazed. The reason is very simple. The matter out of which alone their history can be constructed has been hitherto inaccessible. It lies buried in Italian archives; and Italian archives, especially in all that touched on Rome, have until recently been closed against inspection with systematic jealousy. In the libraries and archives of individual families, it is indeed often possible to glean an astonishing amount of historical information, which would be little looked for in these quarters, and from such sources Professor Ranke mainly drew his materials. It is astounding how much of the highest value for the historian has been deposited in the

muniment-rooms of Italian families of distinction, whose ancestors held high posts. It would seem as if it had been the rule with those cunning men of former times to keep for their private use a copy of every important document connected with their official actions. But then these family collections are guarded for the most part with a jealousy hardly a whit less inexorable than that which until recently prevailed in regard to those of the State. In Rome, for instance, there are several family archives, about whose wealth in precious documents for the history of the sixteenth and seventeenth centuries there are traditions, but whereof no student—at least no foreign student—is allowed to see more than the outside. Yet even these family archives would hardly furnish the information for a full insight into the various incidents which marked Papal elections, and caused them to turn in favour of particular candidates. Every other historical event of the family ancestors would be illustrated rather than their doings in Conclave, because while in all other situations these stood more or less in the character of agents who could not avoid correspondence with their superiors, in Conclave every

ancestral Cardinal was actuated with the feeling of a principal, and operated, not through the agency of a surviving instrument, but as much as possible through the impalpable element of colloquy and personal persuasion. To preserve tracings of such proceedings it required that a watchful looker-on should be in the position to take notes, which the chief actors had no interest in perpetuating. This is precisely what was done by the confidential agents whom each Italian sovereign kept about a Conclave. These agents were not mere newsmongers, ministering to a morbid craving for gossip in their reports; they were the selected secret instruments set craftily in motion to effect the election of pet candidates by the ever-scheming individuals who ruled the various principalities of Italy, passing their lives in one perpetual exertion to supplant each other, to smite each other on the hip, and for whom to compass the elevation to the Papal See of a particular individual, at whose hands they had reason to expect personal advantage, was always a capital object of statesmanship. In the despatches of these agents to their employers can one alone expect to find a revelation of the crafty

steps and counter-steps which, springing from no higher source than intrigue of the lowest stamp, have had memorable consequences, by lodging at critical moments the supreme prerogatives of the Papacy, and therewith the religious and political destinies of a large section of the human race, in hands that had too often no title to wield this preponderating authority beyond the favour and the successful craft of a patron. History presents no more astonishing spectacle than the contrast between the mean causes which have frequently decided the fate of Papal elections and the momentous issues that have flowed from them.

It is to be hoped that students will turn their attention to the great Italian Archives, which now are freely open to inspection, and furnish us with the documentary records for this interesting and unwritten portion of history. The richness of these all but virgin mines of historical knowledge exceeds imagination; for jealousy, and vigilance, and cunning intrigue, were the three cardinal qualities that entered into the necessary constitution of Italian Princes, who spent their lives in incessant correspondence with the agents of their cunning devices.

But if it is impossible to recover the exact features of particular Conclaves until the curious contents of these so long closed archives be dragged to light, there are yet other points of interest bearing on the general subject of Papal elections, which, though enveloped in no denser mystery than some amount of intricacy, have been likewise very imperfectly dealt with by all writers short of ponderous canonists. The points we allude to have reference to the constitutional forms of a Conclave—the modes in which a Pope might be created, the provisions devised to meet the exigencies of an interregnum, and the forthcoming political prerogatives that are called into existence on the occurrence of a Pope's decease. An exposition of these various matters would furnish a concrete view of the organization of the Holy See, for it is only during assembly for the creation of a Pope that the members of that See are in possession of definite powers. As an institution regulated by palpable laws, the Papacy exists only in the season of its creation; the moment it has been embodied it passes into the state of irresponsible incarnation, above all conditions, all liens, and all obligations.

The privileges and provisions that authorize and limit the actions of a Cardinal are absolutely non-existing for him the instant he has been transformed into a Pope. The proclaimed Pope can at once decree, and suspend and abrogate, as he may please; but as long as there is only a Cardinal in question, his liberties are secured to him by instruments that at the same time define and tie them down. An account of the state of things constitutionally created by the advent of an interregnum—of the chartered privileges and powers which can then come in question, and of the elements that are recognised as legitimately qualified to intervene in the election of a Pope,—would accordingly furnish a bird's-eye view of the constitution of the Roman See. Here we should have a succinct abstract of the organic outgrowth—in all that concerns inward constitution—of the Roman See, as manifested upon its constituent members in faculties, which are so many commemorative marks of successive stages of development. An exposition of these circumstances could not fail to possess varied interest. It is not the antiquarian alone who would here feel his curiosity attracted to illustrations of histo-

rical incidents. The practical politician, living only for immediate interests, and absorbed in the desire of devising the means of satisfying them, might find much in a survey of this nature that may serve his purpose. For amongst the contingencies which the imagination of busy minds has been fondest of looking to, as likely to prove the means for healing the rupture which has divided the Court of Rome from Italy, none has presented itself oftener than that Conclave which must follow on the death of Pius IX. The future Conclave has floated before the vision of many anxious inquirers as an inevitable but mysterious fact—looming on the political horizon with the same perplexingly impenetrable certainty with which the heavy mystery of death hangs over the boundaries of individual existence. Every ne indeed has long felt that the Conclave which must assemble on the decease of the reigning Pope will be invested with unusual importance. Speculation has been instinctively attracted towards so broadly looming and unavoidable a mystery. It is not our purpose to attempt to cast the horoscope for the issue of the coming Papal election—to venture on the task of reduc-

ing from a distance to fixity the sensitive and shifting elements of a purely personal nature that enter into the actual conformation of every Conclave; but, at a moment like the present, it may prove both instructive and interesting to have an accurate statement of all the circumstances and incidents which, according to prescription, can come into play during a Papal interregnum.

II.

IT will hardly be necessary to remind the reader that the existing mode of Papal election, by which the prerogative of naming the Supreme Pontiff is vested exclusively in those ecclesiastical dignitaries who have attained the rank of Cardinals, is a matter of comparatively late creation. For centuries, athwart the many political vicissitudes which, with frightful rapidity, came tumbling over Rome in wild confusion, the election of its bishop, who was ever growing steadily in might, remained yet fixedly lodged in a joint action of the whole community, as falling into the three classes, of civil authorities, people, and clergy. Every other provision connected with public institutions was subjected to incessant revolution; but, amidst this endless influx of change and counter-

change, it never occurred to make the nomination of the Pope, in law, independent of the civil power, still less to lodge it in the hands of a select body of ecclesiastics, whose choice should be entitled to exact the homage of clergy and people, until the middle of the eleventh century. That was a period when the Church, as represented by the dignitary who presided over the See of Rome, had drifted down the troubled stream of time, to find itself wedged in against the rocky mass of the Empire, hardened by centuries of high imperial traditions, and specially sharpened by the individual action of the vigorous princes of the Salic race, who then were its imperious representatives. The situation was one in which the timbers of the Church's barque must either push stoutly over obstacles to freer waters beyond, or that vessel would inevitably wreck itself upon the jagged sides of the hard barrier against which it was jammed. Such a predicament instinctively inspired a demand for increased motive power to the ecclesiastical machinery in the breasts of those who might not be disposed to acquiesce in a timid abandonment of the Church to its fate. It happened, by one of those coincidences which

some call providential, and others organic, that at this conjuncture the destinies of the Church were lodged in the hands of men, and especially of one man, pre-eminently endowed with the instincts demanded by the moment. The commanding figure of Hildebrand looms before us grandly as the overshadowing genius of the Papacy during the eventful reigns of six Popes, by whose sides he stands as the unfailing counsellor and prompter, until at the culminating hour of time he chooses to seat himself upon that episcopal chair, which, mainly through his own fostering efforts, had meantime become actually transformed into a throne of might. It was Hildebrand who, taking advantage of public discussions in Rome, secured by adroit management the sudden nomination of Nicolas II. at Florence in 1059, and then induced his nominee to issue the Bull which must be regarded as the original charter of the College of Cardinals—the Magna Charta on which reposes the existing structure of that body—a deed of abiding importance for the constitution of the Roman See. By it the College of Cardinals was called into creation as an Ecclesiastical Senate, invested organically with the elective franchise which

can give a Head to the Church. What may have been before the peculiar prerogatives of the dignitaries bearing this title is a point difficult to define with certainty; but what does not admit of doubt is that from the Bull of Nicolas II. dates first the organic consummation of a revolution that had long been working its way underground, by which the highest constitutional functions in the government of the Roman See came to be taken away definitively from the ecclesiastical body at large, and vested exclusively in this corporation. The preamble of the Bull rehearses succinctly the political causes that moved the Pope to issue the same—the troubles, namely, which supervened on the demise of his predecessor, and the great grief which the Pope felt at the sad consequences that had befallen the Church through a disturbed election. To obviate similar occurrences for the future, Nicolas II. solemnly decreed, therefore, 'that the election of Pope appertains first to the Cardinal Bishops who officiate for the Metropolitan, then to the Cardinal Clerks, and that the remainder of the Clergy and the People tender but their acquiescence in the election, so that the Cardinals have the lead in making choice

of Popes—the others but following them.' The innovation thus ventured upon was two-edged. It was calculated to provoke at once the resentment of the tumultuous populace, civil and ecclesiastical, of Rome, that saw itself deprived of the privileges which practically it had enjoyed of actively sharing in the choice of a Pope, and of the Imperial Crown that had always claimed an influential, and generally even an absolutely controlling voice in such an election. To propitiate these influences Nicolas II. introduced two rather vague provisions. The Roman populace received the sop that the Pope should be selected in preference out of the bosom of the Roman Church, and only in the event of no fitting subject being there forthcoming, out of that of another congregation. The Emperor was sought to be conciliated by inserting the proviso, 'saving the honour and reverence due to our beloved son Henry, at present King, and who with God's favour it is to be hoped will become Emperor, as likewise to his successors, who may have personally acquired this right from the Apostolical See.' This reservation is memorable, for in after times it was often invoked in the conflicts between the Papacy

and the Crown, while a quite recent historian, Gfrörrer, has fallen into the mistake of making this special saving clause for soothing the Emperor's pride the origin of the privilege which certain Catholic Powers still claim of applying a veto in Conclave against the election of some particular Cardinal.

The rights so conferred were exercised not without much contest; but it was not until after more than a century that the constitution so roughly hewn out received any further touches at the hands of Alexander III. This great Pope, the unbending antagonist of Barbarossa, and the protecting genius of the leagued cities of Lombardy, won his way to high position, athwart as various and as persistent hardships as ever fell to the lot of any Pope. Of a reign of twenty-two years, during more than half of which Alexander was an exiled wanderer, eighteen were spent in the bitterness of a schism which was perpetuated through three anti-Popes, and had commenced at the very instant of Alexander's elevation. At that conjuncture the leading divisions between the Empire and Holy See had penetrated also into the College of Cardinals; and when

those who represented the ecclesiastical party combined to proclaim Alexander with a clear majority, the leader of the Emperor's partisans, Cardinal Octavius, pulled away the purple as the new Pope was about to be robed, and had it flung over his own shoulders. The Conclave broke up amidst wild tumult. Cardinal Octavius, borne in procession to the Lateran by his friends, was there installed Pope, while the rightful one, on delivery from imprisonment by Odo Frangipani, fled away from Rome, and got himself hastily consecrated in the parish church of Ninfa, that wonderful forsaken town which stands still in the Pontine Marshes, though without one soul to dwell in it any longer, wildly overgrown with the rank vegetation of those luxuriant but pestilential regions, and mirroring in the transparent waters of a hushed mere its church towers and frowning dwelling-houses and crenellated walls—the silent ghost in stone of the baronial life of the middle ages. It is but natural that a Pope who suffered so much from the persistent opposition of successive pretenders, backing their claims with an embarrassing show of canonical election, should have been deeply impressed

with the necessity for surrounding such elections in future with safeguards against the recurrence of similar perplexing returns. Accordingly, when Alexander at last found himself the acknowledged victor in the struggle he had so long waged with undying spirit, he immediately convoked a Council in that Lateran Palace which was the official residence of the Latin Metropolitan, and therein caused a decree to be promulgated that no Papal election should be valid with a majority of less than two-thirds of those voting,—a provision that has remained in force ever since.

It had thus been solemnly ruled that the power of making a Pope should reside with the Cardinals alone, and that no Pope could be legitimate except by the vote of two-thirds of the electors present; but as to any obligatory conditions of form to be observed in such election, little, if anything, had as yet been defined. On this head, as on the others, the organic laws that have definitely regulated matters were plainly dictated by instincts springing out of practical experiences. The importation through the direct agency of the Papacy of a French dynasty into Italy, in the person

of Charles of Anjou, led to the existence of two distinct parties in the Roman Curia; the one favourable to the French invasion, and composed of French elements; the other not exclusively Italian in composition, but yet by its feelings against Charles of Anjou identified with the national sentiment. The inevitable consequences of this division were protracted and hotly contested elections, attended during the interregnum by a series of convulsions and tumults which reduced the Papal authority in Rome to a shadow. These lamentable circumstances reached a climax on the occasion of the Cardinals having to choose a successor to Clement IV., who died in Viterbo on the 29th November 1268, one month after the head of the last Hohenstaufen had fallen on a scaffold in Naples, at least with the assent, if not by the direct complicity, of the Pope. In Viterbo the Cardinals assembled —eighteen in number,—and for two years and nine months[1] Viterbo became the point on which remained fixed the anxious gaze of Christendom, awaiting the nomination of

[1] This is the longest interregnum on record. The next in length was the one on the death of Nicolas IV., 1292, which lasted two years three months and two days.

its Spiritual Head. The scenes that occurred then at Viterbo were terrible. It was during this vacancy that Henry of England,[1] returning from the Crusade, was there stabbed to the heart at the very altar of the Cathedral by Guy de Montfort, in avengement of his own father's death. In vain did Charles of Anjou take up his residence at Viterbo in the hope of coercing the refractory Cardinals of the national party into electing a creature of his own. His presence only added fuel to the flames of this memorable contest. At last the burghers of Viterbo rose in fury against an intolerable state of things, which bade fair to convert their city into the standing cockpit for unquenchable passions, and made their streets the scene of daily bloodshed. Under the direction of the Town-captain, Rainer Gatti, the citizens proceeded to try the effect of physical hardship upon the party-spirit of the Cardinals. The episcopal palace wherein they resided was stripped of its roof, so that the inmates became exposed to wind and weather. There is preserved a

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[1] Son of Richard of Cornwall. Dante, *Inferno*, Canto XII. l. 119.

remarkable letter[1] dated 'in Palatio discooperto Episcopatus Viterbiensis vi. Idus Junii MCCLXX. Apost. Sede Vacante,' and addressed to the Podestà, the Town-captain, and the Commonalty of Viterbo by seventeen Cardinals, whose seals are affixed, in which it is requested that, on the ground of sickness, free passage out of the palace in which they are shut up, be allowed to their colleague Cardinal Henry of Ostia, it being expressly stated that he has waived for this one occasion his right of voting. The careful insertion of this clause deserves attention, as proving that at this period it had not yet been definitively ruled that every Cardinal's active participation was not an indispensable condition for setting a Papal election beyond challenge. The sharp measures devised by the Viterbese proved, however, as powerless as the remonstrances of kings in making these stiff-necked prelates concur in a Pope. For more than a year longer did they quarrel and fight on amongst themselves, until at last, it is said mainly by the fervent words of the great Franciscan

[1] See *Dissertazioni Storico-Critiche del Canonico Novaes.* Rome, 1822, vol. i. p. 12.

preacher Saint Bonaventura, they were induced to endow six out of their body with the absolute power of nominating a Pope, whom the others stood pledged to acknowledge. This is the earliest precedent we believe for a Pope made by the electoral process technically termed *compromise*—a process that has been put in practice repeatedly, and which is still held not to have become obsolete. On the 1st September 1271, the choice of these six Grand Electors fell on Theobald Visconti, Archdeacon of Liege, and not a Cardinal, who assumed the style of Gregory X.—a man worthy of his august position, and whose conscientious nature was painfully affected with a sense of the spectacle which the Church had been exhibiting during the interregnum. He at once called together at Lyons a General Council to regulate abuses, and make provisions for securing harmony in Christendom. The assembled fathers of the Church solemnly promulgated a Constitution, 1272, wherein, with elaborate minuteness, are prescribed forms to be observed in Papal elections, that were manifestly suggested by the sad occurrences of the last Conclave, and the desire to establish safe-guards against their

recurrence. As the Constitutions of Nicolas II. and Alexander III. are the fundamental instruments for the organic powers of franchise vesting in the College of Cardinals, so must that of Gregory X. be held to be the fundamental instrument for the ceremonial which has come to be observed on the occasion of Cardinals meeting in Conclave; for the modifications that have been subsequently introduced affect only points of detail. In this memorable decree the principle was first laid down of locking up the Church's electors, with the view of shutting out the action of secular influences. It had before happened that Cardinals suffered imprisonment at the hands of violence, but now it was decreed that they should always be immured as long as they were engaged in the sacred avocation of creating a Pope. It was ruled that on a Pope's decease ten days must be allowed to elapse before his successor could be chosen, with the view of giving time for Cardinals at a distance to come to Conclave; on the tenth day the Cardinals present could proceed to an election, the legitimacy of which could not be impugned on account of the absence of any colleagues. Meeting in the very palace wherein the Pope died, in the

event of the decease happening in the city which was the seat of the Papal Court, the Cardinals were enjoined that they might be accompanied only by one attendant each, unless for particular reasons in individual cases a special permission for two were conceded; they were to inhabit one hall in common, without any division in the shape of wall or hanging, and so closed on all sides that no one could get in or out; excommunication was to be incurred by whoever should presume to look in upon the Cardinals while engaged in their electoral labours, although it was lawful, by general consent of all the assembled Cardinals, to confer with a person outside, whom it might be deemed necessary to see in reference to matters appertaining to the election. One window alone should be opened upon this hall of assembly, of sufficient size to admit the necessaries of life, it being expressly prohibited under the aforesaid pain of excommunication, that this aperture be ever used to admit any human being. Should it happen, 'which God forefend,' that no Pope were chosen within three days, the Cardinals should then be restricted to one dish each at dinner and supper during the

next five days, and if after that the chair of St. Peter were still vacant, they should be furnished during the remainder of their stay in Conclave with bread, wine, and water alone; nor should it be lawful for a Cardinal to profit by any benefice falling vacant during the interregnum, or to draw any revenue from sources appertaining to the Pontifical Chamber; nor should a Cardinal be re-admitted who had left the Conclave for any reason except stress of health, although its doors were to be opened to the same on recovery from sickness, as to every Cardinal who arrived after commencement of the election, it being expressly decreed that in neither case could absence invalidate aught that had been done in the interval. If the Pope's decease occurred away from his established residence, the Cardinals were to assemble in the city, or the region dependent on that city in which he had died, except in the case of these localities being under interdict; and finally, the faithful observance of these provisions was intrusted to the guardianship of the civil authorities of the locality in which the Conclave met, under penalty of incurring excommunication for neglect of this duty. Taken together,

these three Constitutions of Nicolas II., Alexander III., and Gregory X. comprise all the essential features in the mechanism which is now still in force at Papal elections. In the last quarter of the thirteenth century the Pontifical Court had thus definitively attained its present organism, and slid into the groove in which its wheels since have run.

Once alone has there been a memorable innovation upon what may be considered the principles embodied in these prescriptions, though on one other occasion, when the question of the transfer of the Holy See back from Avignon to Rome was at stake, a remarkable deviation from the prescribed forms was sanctioned, as will be mentioned. This innovation happened on the occasion of the Papal election which ensued in consequence of the resolutions arrived at in the Council of Constance. The Church of Rome has never since been exposed to trials of the same intensity as those from which she delivered herself by the intervention of this Council. She has indeed been subsequently confronted by difficulties of no slight order, but these have all preserved more or less the character of an external origin, whereas then

the Church was racked by inward throes convulsing her very heart, which reduced her to the condition of a house torn asunder within itself. Until such time as a sentence of reversal, accompanied by deliberate rejection of this precedent in the emergency of an analogous crisis, shall have been pronounced by the Church against what then was done, this incident must be taken therefore in evidence of what the Roman Establishment would hold it to be not contrary to its principles to sanction, in the event of equally critical circumstances coming once more into play. The Council of Constance is distinguished from every other Council by its convocation having been due, not to the individual impulse of a Pontiff, but to the spontaneous instinct of society in general, panting for repose from confusion and discussion, and exhausted by the evils flowing from the great schism. All the landmarks of legitimacy had become removed, and an Egyptian darkness enveloped society, rival pretenders to the Papacy circulating freely in the world without its being possible to arrive at a conclusion who was legitimate and who was spurious. Against such a bewildering state of things

the conscience of the Church instinctively rose, and the Council of Constance is the act of this uprising by the Churchmen of the day, in rescue of the institution they cherished, from what were felt to be exceptional evils requiring exceptional remedies. Accordingly, in this assembly, which restored peace to the Church, and the proceedings of which have been recognised without the sound of protest as legitimate by the authorities of the Church, two Popes, who then divided the world—John XXIII. and Gregory XII.[1] —and whose elections, let it be borne in mind, were originally so little impeachable in form that they have both continued to figure as Popes on the list put forth by the Roman Church—were solemnly compelled to abdicate, and in their stead a new Pope, Martin V., was created by a special constituency formed for that occasion, so as to secure for him a broader title than under the deplorable circumstances of the schism could be furnished by Cardinals alone, all of whom had more or less participated actively in its incidents. It is this acknowledgment

[1] In putting these two Popes' names together, there is no intention of ranging them on a level as to legitimacy—a most vexed question in Church history.

of the necessity of special measures for special situations, and this dispensation from a pedantic observance of specified forms, when felt to be hurtful to vital interests—a dispensation which has been ratified in the unhesitating acknowledgment by the Church of what was done on this occasion, —which renders the election of Martin V. a most memorable event. At this time the exclusive prerogative of the Cardinals to provide a Pope had been in force nearly four centuries without challenge. All popular memory of those other rights of franchise which once existed had quite passed away. No antiquarian reminiscences weighed with the assembled divines, but simply the living instinct of what was demanded by the gravity of the moment, too great to be trifled with, and by the claims of interests too important to be sacrificed from a rigid spirit of formalism. Accordingly, the Council constituted an especial electoral college, composed of the Cardinals and thirty divines, selected from out of its members, five from each nation present, who together could represent the genuine conscience of the Church; and these were able to supply a Pontiff who was in a condition to ap-

pease the troubles which had so long afflicted Christendom. The measure was distinctly proclaimed exceptional, and explicitly limited to a particular occasion, whereby its importance as a precedent is heightened; for this involves the principle that the Church considers itself free to invent new forms, when their adoption may seem advisable for meeting the exigencies of particular times. The Roman *Bullarium* contains, indeed, a string of Bulls subsequent to the three we have mentioned, that bear on Papal elections; but where they do more than solemnly confirm the above, they deal with matters of quite secondary importance, modifying points of mere detail. No new organic principle has been imported into the machinery of Papal elections since the days of Gregory X. The only subsequent pontifical utterance on this subject that can lay any claim to the importance of an organic law, is the Bull issued in 1621 by Gregory XV., and supplemented in the year after by an elaborate injunction of ceremonial, which is the one still observed. To go through these successive enactments in their chronological order would, however, be merely to run through a wearisome cata-

logue, without any but a dry antiquarian interest.[1] Our object is not to inquire what may have been the particular forms and practices embodied in the Roman Court at each period, but what are the powers and forces that come into play in its present organization; and to this end it will be enough if we confine our notice of Papal enactments to such points as may incidentally stand in connexion with, or tend to serve in illustration of, the practices and regulations which at the present day are still in force.

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1 These confirmatory Bulls are to be found in the *Bullarium Romanum* and recent editions of Gregory XV.'s Ceremonial.

III.

AS soon as the Pope's state of health indicates imminent dissolution, the duty devolves on the Cardinal Secretary of State to communicate with the Dean of the Sacred College, that he may summon his brother Cardinals to hasten to the dying Pope's residence, and that, with the Cardinal Vicar, whose functions are those of Prefect of the ecclesiastical police in the city of Rome, he may issue orders for offering up public prayers in the churches. Upon the Cardinal Penitentiary, who is the official depositary of the specifically spiritual powers vested in the Pope, falls the obligation of attending him in the last moments, along with his Confessor, though the special duty of administering extreme unction devolves on the Monsignor Sagrista, the Sacristan of the

Pope's Chapel. When decease has occurred, the fact is immediately notified to the Cardinal Camerlengo by the Secretary of State, who then divests himself of his office, which remains in abeyance until the Cardinals have actually entered the Conclave, where they nominate a secretary, who is, however, not one of themselves. The Cardinal Camerlengo is in precedence one of the highest functionaries in the Roman Court, and figures prominently on all State occasions during the interregnum. He is considered to represent the dignitary who in the earlier times was entitled Vestiarius, and had in charge the stewardship of the Church's properties. Down to very recent times the Cardinal Camerlengo continued to be a very powerful, probably the most powerful personage next to the Pope, in the States of the Church; for within his attributes fell the administration of whatever stood connected, however remotely, with the interests of the Papal Exchequer; while he was besides possessed of immediate jurisdiction over all secular cases in the city and district of Rome. But that process of functional centralization, which has gradually reduced the official organization of Rome to a Pope

and a Secretary of State, has deprived the Camerlengo of the realities of greatness, and left him a mere lay figure of his former self. Instead of being, as once he was, a dictator for the time of the interregnum, the real King of Rome during the interval between the death of one and the creation of another Pope, whose authority was actively invoked to secure the peace of the city at that season, and did effectively intervene in the course of general government at all periods, the Camerlengo is now confined to the exercise of mere ceremonial, and the hollow display of a dumb-show of authority. From the moment, however, that the Pope has breathed his last, he figures still as the first man in the State, and during the days before the Conclave can be constituted, as its direct representative, inaugurating the exercise of his provisional powers by a truly quaint piece of ceremony, the symbolism whereof is obscure. At the head of the Chierici di Camera, the Camerlengo hastens to hold an inquest on the reported demise of the Pope. Proceeding to the death-chamber, the Cardinal strikes the door with a gilt mallet, calling on the Pope by name. On receiving no reply, he enters the room, when he taps

the corpse on the forehead with another mallet of silver, and falling on his knees before the motionless body, proclaims the Pope to be in truth no more. It is after this that he forwards to the Senator the notification for the ringing of the great bell in the Capitol, which is to announce to the Romans that their Sovereign has died. This bell, which is tolled only on this occasion and on the opening of the Carnival, has a curious history. It was originally the communal bell of Viterbo. Between this city and Rome a fierce enmity prevailed in the twelfth century, which after hot conflicts ended by the overthrow of the Viterbese in the year 1200. By the terms of capitulation, the Romans carried off, as trophies and signs of supremacy, besides the recovered bronze gate of St. Peter's, which the Viterbese had captured in 1167, a chain and city gate key, which were suspended at the arch of Gallienus, and the communal bell, which from that time has been hung in the Capitol. It was surnamed La Paterina, a denomination which has been derived, with apparent foundation, from the Paterini, Viterbo having been notorious for harbouring a quantity of these sectarians.

From this moment the whole machinery of Government is suspended, and remains so until the creation of a Pope calls it again into activity. Formerly the Pope's demise was practically tantamount to a fact cancelling the titles of existing authorities—as if an intrusive Government had come to an end by the demise of its immediate representative, and usurped power had returned thereon to the people. All the jails in Rome used to be immediately thrown open, not by an irruption of the populace, but by intervention of the old civic magistracy, which, on the proclamation of an Interregnum, stepped forward at once on the public stage and claimed to represent the Roman people. This tradition of civic authority in Rome has not died out. On notification b[illegible]ceived by the Senator of the Pope's [illegible], he still summons the senatorial councillors and despatches officers of his own to open the two chief jails in the city, and let out, not indeed all the prisoners, but such as come within the vague category of light offenders.[1] For all purposes of administra-

[1] This was done on the occasion of the last interregnum, and the official paper, the *Diario di Roma*, of the 2d June 1846, contains in its dry notification of each

tion Rome is as it were placed under sequestration. Even the law courts suspend their sittings, and in every branch of the Executive there is only that amount of activity which is indispensably requisite to prevent torpor from sinking into absolute dissolution. This state of things proceeds from the strict limitations imposed by Papal decrees upon the provisional authorities called into existence during the interregnum—limitations that were devised with the view of removing temptations to spin out the tenure of provisional office. Systematically the jealousy of Popes has carefully circumscribed the powers to be exercised by the Sacred College during a vacancy of the Papal Chair until they have become stripped of all serious initiatory faculty, and extend only over the

day's events the summons 'of the Capitoline Militia by the Roman magistracy, according to ancient custom,' and the despatch of the 'noble Signori, the head men of the quarters of Regola and Campitelli, with orders to proceed without delay, attended by the Capitoline Militia and the faithful (*i fedeli*) carrying their maces, to the New Prison and the prisons of the Capitol, to open them and set free those guilty of slight offences who were detained there.' In former times it was invariably the custom, just before the Pope's decease, to remove into the Castle of St. Angelo, for safe keeping, all prisoners of state, or delinquents of a class the Papal authorities had an interest not to see set free.

merest matters of indispensable routine.[1] Of this routine the pomp and glitter devolve, as we have said, chiefly on the Cardinal Camerlengo, who forthwith receives from the Maestro di Camera the late Pope's piscatorial ring,[2] which is broken at the first general meeting of Cardinals, held on the day immediately following the Pope's decease. His next duty, after consigning the corpse to the care of the Penitentiaries of the Vatican Basilica, is to take an inventory of all objects in the Apostolical Palace,—a very

[1] See Bull of Pius IV. *In Eligendis*, sect. 7.

[2] The ring is so called from having engraved on its stone the figure of St. Peter drawing in his fisherman's net. According to Cancellieri, 'Notizie sopra l'Origine e l'Uso dell'Anello Pescatorio, Rome, 1823,' the earliest record of its use is of the year 1265. Originally it was nothing more than the Pope's private signet for his own correspondence. From the middle of the fifteenth century its use became reserved to the Pontifical utterances called Briefs, and has remained so ever since. The distinction between a Brief and Bull lies in degrees of weight and solemnity. The Bull is the most authoritative expression of the Pontifical infallibility, as such almost incapable of repeal; while the Brief is directed to something of comparatively immediate and passing importance. The name of the former comes from its leaden seal, which is tied by a hempen cord to Bulls of ordinary import, and by a silken to those conferring Sees, and containing matters of grave weight. The style of the Bull runs always—'Pius IX., Episcopus Servus Servorum Dei, ad futuram' or 'perpetuam rei

natural proceeding, and deserving notice only because it owes its origin to the once customary riots in Rome during an interregnum, when it was an established thing for the mob to rifle the Pope's palace. To guard against the illicit removal of Pontifical property, the Camerlengo stays therefore in the palace until all has been properly registered, when, carrying away the key of the Pope's apartments, he returns in state to his

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memoriam,' with date from the Incarnation, and signature of the various functionaries of the Apostolical Chancery, the document being written in Latin in mediæval letters upon dark rough parchment. A Brief, which is likewise in Latin, has but the Pope's name at the beginning—'Pius Papa IX.'—is signed by the Cardinal Secretary of Briefs, bears date from the Nativity, and is written in modern letters upon soft white parchment. The die of the leaden seal affixed to Bulls was kept at the Vatican until Pius VII. solemnly deposited it at the Cancellaria, with pain of excommunication against whoever enters without express permission the room in which it is. At one period the Cistercian Friars had the privilege of furnishing the keepers of this seal. There is yet a third form of Papal expression in writing, called a Chirograph, the exact nature of which it is difficult to define. It appears indeed to have no binding force except what it may derive from personal respect for its author, and resembles in authority somewhat the minutes which at times are drawn up in our offices, or the peculiar expression of Royal wishes formerly in use in Prussia, and termed Cabinets-order.

private residence, his carriage being escorted by the Pope's particular body-guard of Swiss halberdiers, which continues in attendance on him until the election of a new Pope. Also all edicts issued during the interregnum run in his name, and the coin struck by the mint has on it the Camerlengo's private arms. And here at this early stage we already meet the checking contrivances invented against the possibility of some ambitious Cardinal usurping what is due only to the Pope. As soon as the Camerlengo has reached his dwelling he sees three Cardinals arrive—the senior members of the three classes in the Sacred College, bishops, priests, and deacons—who, during the nine days that are prescribed to elapse before a Conclave can be constituted, remain associated with him in a special congregation representing the Executive of the State.[1] The prerogatives of this Board are, however, again carefully limited to carrying out the resolutions taken by the general assembly of

[1] From the moment Conclave is opened, and during the whole of its duration, the Executive authority is vested in the Camerlengo, assisted by three Cardinals called Capi d'Ordine, who are chosen by ballot for three days.

Cardinals, which meets each day for the transaction of business that is itself laid down and defined with extraordinary minuteness. It comprises the arrangements for the Pope's funeral, the preparatory disposition for getting the Conclave ready, and the nomination of various officers specially charged with duties either in the Conclave or for securing the peace of the town. Most of the great functionaries in the Court of Rome hold their offices only for the Pope's lifetime. His decease produces therefore an instantaneous absence of authority which the Cardinals have to make good, and in former times, when tumults were the order of an election season, the appointment of the military officer, who, with the title of Lieutenant of the Holy Church, held the Castle of St. Angelo, and, together with the Bargello, the chief of the city police, the Sbirri, had the duty of preserving order in the town, and of protecting particularly the Trasteverine quarter, where lies the Vatican, in which Conclaves then met, was a matter of very great importance. On all these points the Board, at the head of which figures the Camerlengo, has no power of initiative, while the general assembly is itself bound

by prescriptions, the painful minuteness of which is conclusively illustrative of the spirit of formalism pervading the whole system. For each of the nine preliminary days there is an enjoined assembly of Cardinals that is limited to go through the form of some minutely prescribed bit of ceremonial mechanism, not to be departed from, not to be exceeded, not to be innovated upon. Every attribute of these assemblies is rigidly fixed and circumscribed. Here we have the unmistakable impress of generations of jealous Popes, who have been assiduously at work in hammering out a system into such elaborately thin points as cannot be twisted into shapes that might prove dangerous to the perfect absoluteness which Popes will allow to reside only in themselves. 'During the vacation of the See,' says Pius IV., in a Bull that is inserted in the latest collection of regulations in force during an interregnum,[1] 'in those things which appertained to the Pope when alive, the College of Cardinals can have no power or jurisdiction whatever, whether of grace or justice, or of giving execution to such resolutions of the

[1] Bull *In Eligendis.*

deceased Pope; but it is bound to reserve them to the future Pope.' There is an explicit prohibition against this body assuming to dispose of any of the properties of the Church, or any of the moneys belonging to the Apostolical Chamber or to the Datary's office, even for the discharge of debts contracted before the late Pope's death; its power over the coffers of the exchequer extending merely to the maintenance of the functionaries constituting the Papal establishment, and the payment of what may be required for the 'defence of the lands and places of the Church.' It is only on the occurrence of what may be deemed 'a grave peril' by at least two-thirds of the Cardinals assembled, that the Sacred College can be dispensed from a literal observance of these limitations upon its prerogatives, and proceed to adopt such resolutions and measures as may seem to it demanded by circumstances.[1] The faculty contained in this provision is of moment, and not to be overlooked. The more one studies the re-

[1] These prescriptions are repeated almost word for word in the Bull *Apostolatus Officium* issued in 1732 by Clement XII., the latest Papal statute on the subject of Conclaves.

gulations of the Court of Rome, the more will one be impressed by the fact, how, athwart all the dense accumulation of punctilious formalism which has been the aggregate deposit of a current setting in the same direction for centuries, there is yet preserved a cunning element of subtle elasticity that has been shrewdly cherished in secret against the event of the force of altered circumstances, making it some day desirable to seek protection in what has been so jealously suppressed and scouted in ordinary times—liberty of individual initiative.

Now-a-days Rome wears during an interregnum no great outer look of change—all going on pretty much in the same steady order as before. But formerly the case was very different. 'Let not him say that he has been in Rome who has not happened to be there during the vacation of the See,' are the words of a contemporary who wrote a narrative of the Conclave which, in 1621, resulted in the election of Gregory XV.[1] Down to comparatively a quite recent date entry upon an interregnum was synonymous

[1] This manuscript is in the possession of Signor Carinci, the worthy archivist of the Duke of Sermoneta.

with entry upon a period of riot and brawl, which made the streets unsafe for quiet citizens. Every kind of misdemeanour revelled at this season in Rome, which became for the time a perfect bear-garden, in which criminals let out of jail enjoyed themselves mightily at the expense of peace-loving folks. The lawlessness which then reigned in Rome was a recognised order of things, consecrated by custom, and looked upon as a prescriptive right during the period of Conclave, just as the right of mummery during the Carnival season. The origin of this strange state of things must be sought in the general want of discipline that distinguished the armed force kept by States in the middle ages, and especially in that kept by the Pope. The trained bands were so many bodies of mutinous and lawless brawlers, who seized every opportunity for indulging their natural disposition to insubordination, outrage, and crime. Their pay as a rule was terribly in arrear, and therefore they hardly ever failed to begin operations on the decease of a Pope by a demand to have their claims settled or they would do no duty. These men, swept together from all corners, true mer-

cenaries and adventurers of the purest water, were the dread of all classes—of the Cardinals, who could not dispense with their services, and had to buy their good humour; —of the townspeople, who were at the mercy of their recklessness. The natural consequence was that during an interregnum Rome wore the look of a city armed for civil war. Every noble in self-defence assumed the privilege of arming his retainers and of drawing chains across the street in the neighbourhood of his palace, which was garrisoned by his followers, and converted into an asylum. He usurped the right of keeping his own quarter of the city free from all police but his own. Some of the great families succeeded in obtaining a recognition of this claim, like the Mattei, who had the right to hold the bridges of San Sisto and Quattro Capi, together with the intervening region of the Ghetto, with retainers wearing the badges of their house.[1] But in most cases the authority exercised by the various magnates was only the outflow of an all-pervading spirit of license and

[1] At the corner of the streets running along the Mattei Palace there can still be seen the stone posts and rings for drawing chains during Conclave times.

tumult, that wrested as much power as it could, without any warrant for the peculiar pretensions advanced.[1] The nominal police of Rome was vested in two officers, who, to add to the confusion, were traditionally jealous of each other's authority — the Bargello, who was the ordinary head of the regular city police, the Sbirri; and the Lieutenant of Holy Church, who, as commander-in-chief of the soldiery, and special governor of the Leonine city, held

[1] A memorable dispute ensued out of this pretension on the part of the nobles during the interregnum of the year 1700. Prince Vaini, a nobleman resident in Rome, and Knight of the French order of the Holy Ghost, assumed on this occasion the same privileges as the old Roman aristocracy, and even something more, it would appear. He absolutely resented the approach, even within a street's distance from his palace, of any Sbirri, and caused one to be beaten within an inch of his life who had been guilty of so much disrespect to his privileges. The insolence of the prince's armed retainers grew to be so great that the whole quarter became subjected to a rule of ruffianism which made it necessary for the authorities at last to interfere. A body of Sbirri early one morning took by surprise the guard-house of Prince Vaini's hangers-on, which was situated on the ground floor of his residence; whereupon the prince prepared for an armed defence, and at the same time invoked the protection of the French Ambassador, who was the Prince of Monaco. The Ambassador, in four state coaches, and a retinue of armed men on foot, proceeded to the prince's palace to

office only for the period of interregnum. The particular duty intrusted to his charge was to secure the Cardinals from molestation, and to this end it became customary to erect barricades at the limits of the Leonine city, whereby the free circulation through it was prevented, except for those armed with a special permit.

One of the most riotous elections on record is that when, in 1623, Urban VIII. —Barberini—was raised to the chair of St. Peter. The disturbances which then hap-

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extend to him his sovereign protection, when the Sbirri and Papal soldiers drew up to receive him with due honours. But the Ambassador took up the matter in a high tone, and put his hand to his sword-hilt in ordering the Papal captain to leave the house of a prince who stood under French protection. This action of his was imitated by his followers, who all drew their swords and struck the Sbirri, whereupon these fired a volley, by which some were killed and wounded, and a regular skirmish ensued, in which the Ambassador himself narrowly escaped being struck. The Sacred College immediately did all in its power to apologize for what had happened, but the Ambassador absolutely refused to be satisfied, and left Rome two days after for Tuscany in high dudgeon, nor would he return to Rome during the interregnum. A full account, with the official correspondence interchanged, will be found in the second volume, p. 99, E. 6, of the third edition of the *Histoire des Conclaves*, Cologne, 1703,—a book full of valuable information.

pened are stated by the contemporary diarist Gigli to have been such 'as no one could remember having ever witnessed.' 'Not a day passed,' he writes, 'without many brawls, murders, and waylayings. Men and women were often found killed in various places, many being without heads, while not a few were picked up in this plight, who had been thrown into the Tiber. Many were the houses broken into at night and sadly rifled. Doors were thrown down, women violated,—some were murdered, and others ravished; so also many young girls were dishonoured and carried off. As for the Sbirri, who tried to make arrests, some were killed outright, and others grievously maimed and wounded. The chief of the Trastevere region was stabbed as he went at night the rounds of his beat, and other chiefs of regions were many times in danger of their lives. Many of these outrages and acts of insolence were done by the soldiers who were in Rome as guards of the various lords and princes; as happened especially with those whom the Cardinal of Savoy had brought for his guard, at whose hands were killed several Sbirri who had taken into custody a comrade of their's. In short,

from day to day did the evil grow so much, that had the making a new Pope been deferred as long as it once seemed likely, through the dissensions of the Cardinals, there was ground to apprehend many other strange and most grievous inconveniences.' Against such an all-pervading spirit of lawlessness it was a very inadequate provision for making the streets safe at night that every householder was bound to hang out a lamp before his dwelling during the period of interregnum. Even now, Rome is, of all capitals in Europe, the least pleasant to walk about in the dark; but scandalously unsafe as its streets are, their condition is yet a very pale copy of the state they were habitually reduced to, as it were by privilege,[1] during the pandemonium season of former Conclaves.

[1] In the *Lettere Facete e Piacevole di diversi Huomini Grandi*, 2 vols., Venice, 1601, is a letter from Messer Giulio Constantini, Secretary to the Cardinal of Trani, which gives a lively picture of the state of Rome during the interregnum on death of Paul III. (1550.) It stands twice in the same collection as a fragment, vol. i. p. 389, and in full, vol. ii. p. 146. 'Now, Signori, I have told you about the Papacy all I can call to mind of the late occurrences,' writes Messer Giulio. 'There remains only for me to tell of the delight of an interregnum, as Fra Bacio said to Pope

Pius IV., a Pope of a certain reforming vigour, issued in 1562 a long Bull, repeating older regulations for a Conclave that seemed to require being called to mind, and forbidding a variety of abuses which had cropped up. The twenty-first clause runs thus:—'Also we forbid wagers, *quas excommissas vocant*, being made on a pending Papal election; and decree that if against these

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Paul, who, when asked what was the finest festival in Rome, replied, "When a Pope dies and a new one is being made," in which he spoke true. For on occurrence of the former event you see the whole world run to arms, the prisons thrown open, the Sbirri fly, and the jailers hide. In the streets you must not think to find aught but pikes and partisans and firelocks, and never a man by himself, but squadrons of ten or twenty or thirty and more. Yet with all this license you should not fancy that much harm is done except between special enemies in the burst of passion, which time soothes down, so that to-day Rome might be traversed *a Tracche calate*; and for my part during fifteen barren years that I have spent in it, never have I enjoyed, and never have I beheld, a finer time, nor greater liberty, nor rarer fun; and would ye have it otherwise when our masters are all locked up? while we are at liberty, eating off our heads, without a thought or an inconvenience of servitude, until there is such a surfeit of good that we repine at all this freedom. And then the amusement to hear the jabbering brokers in the Banchi who buy and sell and barter on odds so that whoever falls among them will never get away till after nightfall;' and here the Cardinal's Secretary proceeds to dilate with a detail not fit for repetition on the public

presents may should yet be made, they shall be held and deemed altogether null and void in court, and out of the same; and that those thus contravening, and their brokers, be punished as it may please the Governor and the future Pope.' It will create surprise to find such an injunction amongst the matters considered worthy of particular

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display at this season in Carnival show, of certain ladies whose existence in Rome it has ever been the special duty of the Cardinal Vicar to suppress. 'Do not fancy,' he continues, in high spirits, 'that the Bargello goes after these; no such thing; for neither Court nor Tribunal, nor Ruota nor Chancery, are held; Advocate and Procurator and Cursors stand with their hands in their girdles, and every one enjoys this season of madness.' The Colonnas, who had been banished by Paul III., availed themselves of this season of relaxed authority to recover forcibly their possessions, but this little fit of rebellion Messer Giulio thinks nothing of, as it was unaccompanied by actual bloodshed. 'I forgot to mention how Signor Ascanio Colonna has taken again his old estate without the stroke of a lance or the drawing of a sword. Signor Fabrizio, his son, and Signor Camillo Colonna, and Signor Pirro are all here, and free room is given to whoever would fight in Piazza Santi Apostoli (the site of the Colonna Palace). What say you now to a vacancy in the See? Does it not seem finer vacant than filled, and just because it is so fine you need not wonder that these most reverend Lords should put themselves into a sweat with efforts to sit in it! and sweat they will, so many of them are there who fain would get into it, while it is to be had only by one.'

attention by a Pope when making regulations for the election of his successors. An explanation for the importance here attached to what would seem so irrelevant is to be found in the incidents that came habitually to attend these bets. At one time they grew to be in Rome what the odds given at Tattersall's are with us—a matter involving considerable interests,—occupying whole classes, and producing a standing excitement. The gambling propensities prevalent amongst Italians darted upon the conflicting elements offered by a Conclave to reduce them into a series of chances on which to pitch stakes. The shopkeepers and merchants of Rome entered into the game with a passion which resembled the habits of speculation in stock which have made the Funds a subject of palpitating interest, and the Bourse a capital institution for a great section of the society of our day, more particularly on the Continent. As soon as ever a Pope had breathed his last, the Banchi Vecchii, and Nuovi—streets still bearing these names, and running from the small square in front of the bridge of St. Angelo—became an improvised Exchange, where the rival chances of candidates were publicly quoted and eagerly discounted,

amidst commotion that commonly was attended with riot. This locality was the Fleet Street of Rome. Here resided the chief merchants, especially the goldsmiths, from whom the quarter derived its name; for in Rome, as elsewhere, the goldsmiths did business as money-brokers and bankers, figuring as the natural agents and go-betweens in all money operations.[1] While, in May 1555, the Cardinals were shut up for the second time in that year, after the death of Marcellus II., the Pope of reforming promise, whose abrupt death caused so many hopes to be dashed, it is on record how the excited temper of the city as to the issue of the pending election broke into an extraordinary

[1] When Benvenuto Cellini plied his calling in Rome he had his workshop in this locality; and it was while sitting in it—probably a dark vaulted chamber in the ground-floor of a palazzo, with an arch on the street to serve at once as door and window, such as are many shops in the older portions of Rome—that he was affronted by the insulting gestures of the goldsmith Pompeo, who, swaggering down the street, and infected with the licentious spirit of an interregnum season for this happened when the Cardinals had just entered Conclave,—drew up opposite Benvenuto's shop, and insolently flouted the hot-blooded Florentine, until, unable any longer to check his passion, he bounded out after Pompeo, and for his sauciness stabbed him to the heart. (See Cellini's Autobiography, book i. ch. xv.)

manifestation of this betting propensity. The false rumour happened suddenly to run through Rome that Cardinal Farnese was assured of his majority, and that his elevation was going to be proclaimed. Thereupon the people rushed together in such numbers that, from Campo di Fiori, where is the Farnese Palace, to the Vatican, 'it was possible to walk but in a crush, and at risk of being trampled upon by the throng of men and horses;' and the Conclave itself had to be hurriedly protected from invasion and sack by a reinforced guard. This excitement of course infected the speculators in the Banchi, so that the Farnese stock ran up that night to seventy gold crowns, with so eager a demand for it, from the firm conviction that the Cardinal's proclamation was beyond doubt, that the contemporary reports declare it due only to the forced cessation from business by the advent of night, that its value did not go to a yet higher figure. The following morning, when the election was found to be still in suspense, the inevitable reaction brought down the Farnese quotation to 10 and 12.[1]

[1] Letter from an anonymous correspondent to Duke Ottavio Farnese, in *Lettere di Principi*, Venice, 1581,

The Bull of Pius IV. was not sufficient to arrest the betting propensities of the inhabitants of the Banchi; and in spite of Papal fulminations, the chances of an election were still made the subject of wagers that led to frequent breaches of the peace. Amongst the many valuable papers preserved in the Gaetani archives, there is one which is singularly illustrative of what used to occur in this quarter. It is the report by the Duke of Sermoneta, who, in the interregnum of 1590, was the Lieutenant of Holy

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vol. iii. p. 169:—'Vostra Eccellenza sappi, che 'l concorso delle genti prima de plebei, et poi de maggiori fu si fatto dalle 16 insino alle 19 hore [at that season of the year corresponding to our 11½ and 2½ o'clock in the afternoon] che da Campo di Fiore insino al Vaticano, non si poteva andare senza stretta et pericolo d'esser calpestato dalla turba et da cavalli: et se L'Eccellentissimo Signor Duca d'Urbino [who was Captain-General of the Church] non armava per tempo il Conclave di buone guardie, non e' dubbio, che si correva a rompere et a saccheggiare insieme col palazzo di San Giorgio: Vi fu in tanto in Banchi chi vendé le cedule Farnesiane settanta scudi d' oro con tanta concorrenza de compratori d' esse, che se non sopragiungeva la notte, le facevano salire piu alto di prezzo, aspettando pur ogn' uno di punto in punto, che si publicasse l'adoratione, come gia fatta della persona di detto Reverendissimo signor suo fratello: pur questa mattina correvano le cedule sue a 10 et 12 con tutto, che siano sgannati gli animi dell' impressione presente di tal successo.'

Church, of the circumstances that led to a murderous scuffle between his own soldiers in guard in the Banchi and a patrol of the city Sbirri. By right the Banchi lay within the bounds of the Bargello's authority, but at the request of the shopkeepers the Lieutenant had posted a watch of soldiers in this street. These had refused, it was said by mistake, to let pass a round of Sbirri, whereupon the Bargello had hurried in person to the spot to assert his authority, but the soldiers laughed to scorn his pretensions, and a scuffle ensued, with a discharge of fire-arms, which killed several individuals. The Bargello beat a retreat into the palace of the Governor of Rome, while the Duke, who happened to be standing at the Castle gate when the tumult occurred, hastened across the bridge to appease it, and draw off into the Borgo his riotous soldiers. In his report he then recommends measures to prevent the recurrence of such scenes, and states the cause that lay at their bottom: 'I have sent,' he writes, 'another company to be in guard at the Banchi; but it may be deemed advisable, on account of what has happened, to remove altogether this post from there, as the brokers

and dealers wish and ask for the same only because it affords them protection for laying their wagers, and they are the parties who sow dissensions between soldiers and Sbirri. . . . If this guard were taken away from the Banchi, the Bargello would then be able to pass there freely, and thus a stop would be put to these wagers, from which proceed all the riots.' Now-a-days, this mode of making a Papal election subserve the general love for play has been superseded by the system of the lottery; and whereas formerly heads were often broken in the angry excitement caused by the daily rise and fall in the rival chances of favourite Cardinals, the population of Rome at present during an interregnum satisfies its gambling passions by peacefully playing on combinations of numbers formed out of the ages of Cardinals, or any other circumstances connected with their individualities which human ingenuity may be able to translate into a cabalistic expression.[1]

[1] It is proverbial that in Italy nothing is sacred from conversion into some reduction into numbers that are made available for the lottery. It is not the public alone, but the Conscript Fathers of the Church themselves, who during Conclave-time contrive to indulge their gambling passions in numbers that are considered

A Bull of Clement XII., impregnated with the spirit of economy, abolished, together with a number of other offices, the Governorship of the Leonine city. The reforming hand of the age, quickened by the prickings of inexorable penury, has been successfully engaged in paring down the old-fashioned lavishness of even arch-conservative Rome. At present the peace of the Popeless city is left entirely to the care of Monsignor Governatore, who with drilled gendarmes in modern plight has superseded the once rival powers and fantastic archers of the Church's Lieutenant and the civic Bargello,—ruling Rome during an interregnum by the same grim intervention of prowling police that is

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to represent the mystical operations of the Holy Ghost. Stendhal, who gives a very capital account of the Conclave in 1829 in his *Promenades dans Rome*, has a good story of his witnessing some inmate of the Conclave playing in the lottery through the wheel which serves for conveying meals in: 'Just as after the inspection of two or three dinners all this kitchen-work bored us,' he writes, 'and we were on the point to withdraw, we saw a ticket come through the turning-wheel from within the Conclave, with the numbers 17 and 25 thereon, and the request to put it in the lottery. . . . These numbers might signify that in the morning's balloting the Cardinal occupying apartment 25 had 17 votes, or any other combination. The numbers were faithfully handed over to a servant of Cardinal P.'

ordinarily busy in its streets when an actual Pope resides in the Vatican. One vestige alone still figures of the peculiar powers which started into existence at the beck of necessities now happily vanished. It is to be found in the pomp and parade that attend the Marshal of the Conclave,—an officer who is a member of the great Roman aristocracy, and whose professed duty is to be the jailer of the assembled Cardinals, having it on his conscience to keep them tightly shut off from contact with the outer world. In reality, this dignity is now become an appanage of the Chigi family, though, in strictness, not hereditary, the office being conferred afresh for life on each new head of the house. The origin of the creation dates from the troubled period of Gregory X.'s elevation. Innocent VI. (1352-62) bestowed the office on a member of the great Savelli family, which from father to son retained it until in 1712 this house became extinct, having held the dignity always by the same tenure by which it now descends in the Chigis, on whom it was conferred at this period. Once the authority attached to this office was very considerable, and not confined only to the season of interregnum, for

the Marshal possessed jurisdiction over all lay members of the Pontifical Court, who were tried before his special tribunal, the Corte Savella, and lodged in his special prison. That privilege came to an end under Innocent X., in whose edict of suppression the grave abuses prevalent in that Court, and the scandalous state of the prisons, are expressly alluded to as rendering reform indispensable. In spite of these curtailments of his powers, the Marshal retains all the outward display of high rank, and figures during a Conclave as second in precedence only to the Camerlengo. The essence of his importance has indeed much waned; about the only real exercise of authority which he may yet be called upon to put in practice being the legitimate distribution of pass-medals, which the Marshal is entitled to get coined in silver and in gold. Nevertheless, in the ceremonial pageant of Rome, this dignitary makes a prominent show, although he also has not escaped the pruning action of that spirit of reduction which has been in the ascendant of late. The Diario di Roma of the day gives a glowing description of the sumptuous magnificence displayed by the first Marshal of

the Chigi family on his first appearance in this capacity after the death of Clement XI. in 1721:—

'Before his palace in Piazza Colonna there was drawn up his company of hundred men enlisted and clothed in blue at the Prince's own cost, together with their officers. Then there went to attend his Excellency a company of fish-vendors, clothed in gala, in white and blue calico, and white feathers in their hats, with trimmings, after which came a troop of rosary-makers, and then another from the quarter of La Regola, and these going in a body before the great standards with his Excellency's arms, marched along the whole Strada Papale to St. Peter's, and mounted guard at the Prince's own apartment, which is at the great staircase of the Vatican Basilica.'

During a Conclave, the Marshal still takes up his quarters in the building where it meets, and just outside the barriers that shut in the Cardinals, to watch over whose strict confinement, and to inspect the unimpeachable nature of the articles passed through the turning-wheels for the admission of really indispensable objects, constitute the only duties he still has any pretensions

to perform. The thrifty spirit of Clement XIII. included the gay bands of retainers amongst the items suppressed by his reforming Bull, so that now the Prince-Marshal has a less ostentatious, but also less costly guard, furnished by a contingent of Papal regulars. 'On coming home very tired and dying of cold,' is Stendhal's entry on the 14th February 1829, in his *Promenades dans Rome*, 'we observed that Don Agostino Chigi, Marshal of the Conclave, had at his door a guard of honour.'

It would be more than tedious to recount the prescriptive ceremonial for each of the nine days of preparation before entering Conclave. The first three are more particularly devoted to the obsequies of the Pope, which take place always at St. Peter's—the chapel of the Pontifical residence, and are marked by many striking rites, full of obscure symbolism, and quaint mementos of obsolete customs. Stendhal, who was in Rome at the death of Leo XII., and curiously followed the ceremonies of the interregnum, gives in his *Promenades* an excellent account of what is still practised. 'To-day the obsequies of the Pope began at St. Peter's,' he writes, 'and we were there from eleven

in the forenoon. The Pope's catafalc has been raised in the Chapel of the Choir, surrounded by the noble Guards in their handsome scarlet uniforms. The body of the Pope is not yet there. Before the catafalc a high mass was read. It was Cardinal Pacca who officiated as sub-dean of the Sacred College. . . . After mass, the Cardinals withdrew to govern the state; their sitting took place in the chapter-hall of St. Peter's. . . . . While the Cardinals were busy governing, the clergy of St. Peter's went to fetch the body of Leo XII. in the chapel where it was exposed; the *Miserere* being chanted. The corpse having been borne into the Chapel of the Choir, the Cardinals returned. The corpse was splendidly robed in white; with great state it was placed, in strict conformity to a very intricate ceremonial, within a shroud of purple silk, ornamented with embroidery and gold fringe. In the coffin were laid three bags filled with medals, and a parchment scroll, wherein was the history of the Pope's life. The curtains of the great gate of the chapel were drawn, but some favoured foreigners were clandestinely smuggled into the singers' tribune.' Stendhal adds the

remark, that 'a well-founded spirit of suspicion pervades everything that happens on a Pope's demise; for the poor deceased has no relatives around him, and those charged with providing a successor might possibly bury a Pope alive.'

The deathbeds of many Popes have indeed witnessed shocking scenes of destitution and abandonment, coupled with outrageously indecent treatment of the corpse. What can be more lurid in its effect than the sacrilegious brawl, by torchlight, over the dead body of Alexander VI., between drunken soldiers and priests, within the hallowed area of St. Peter's, just before the very altar, as it is drily described by the ceremoniary Burckhardt?—'By four beggars was the corpse borne into St. Peter's, the clergy, according to custom, preceding, and the canons walking by the side of the bier, which being set in the midst of the church, they stood awaiting the *Non Intres in Judicium* to be said, but the book could not be found, wherefore the clergy began singing the response *Libera Domine.* While this chanting was going on in church, some soldiers of the palace-guard laid hold of and snatched the torches from the clerks, where-

upon the other clergy defended themselves with the torches in their hands, and the soldiers made use of their weapons, so that the clergy, becoming frightened, rushed in a body into the sacristy, leaving off their chant, and the Pope's corpse remaining by itself. I and some others took up the bier and carried it before the high altar.' Happily there is no record of any other scandal of equal magnitude, but yet the deathbeds of many Popes have been attended by circumstances of painful neglect, in glaring contrast with the eminent rank in life of the individual who was going to his grave. The last Pope, Gregory XVI., died in a manner unattended. He had been ailing with an attack of erysipelas in the foot for some days, which had confined him to bed; but the illness had not attracted notice until his absence from the public service on Whitsunday, which fell on the 31st May (1846). It was a peculiarity of Gregory XVI. not to like the subject of death to be mentioned in his hearing, so that this known feeling on his part, combined with the absence from Rome of his chief physician—the German Dr. Alertz—probably contributed to make the courtiers and the less experienced medi-

cal men in charge treat the malady more lightly than should have been the case. On the morning of Whitsunday, the Pope, however, felt his strength failing; he caused a mass to be read to him before daylight, and took the sacrament; but even then the doctors, in reply to his questions, declared that he would be out of bed in a week, and pronounced it unnecessary to issue a bulletin. But in the night the Pope's condition grew much worse, so that when, in the morning at seven o'clock, the Cardinal Secretary of State, Lambruschini, came, he found the Pope speechless, and already aneled in a hurry by another ecclesiastic than the one on whom, in the prescribed order of ceremonial, this duty devolved. The Pope was actually breathing his last; and in the absence of the Cardinal Penitentiary, who could not be summoned in time, the Secretary of State hastily read over him the appointed prayers for the dying. At the time, these facts gave rise to much comment, both in ecclesiastical and general circles, and suspicions were expressed for which there is no reason to believe that foundation existed. The only charge to be brought is that of negligence and want of

perspicacity against those who were in attendance on the Pope.

By the ninth day everything requisite for proceeding to business must have been terminated; the Conclave must be ready to receive its inmates, and these must have been selected. For a Conclave comprises a whole population locked up in attendance upon the possible wants of the immured Eminences. It would take pages to give a list of all the different categories of functionaries and servants who have to share the privileges of this imprisonment,—from the Maggiordomo to the Father Confessor, and from the Head-Physician down to the Barbers and Carpenters and Sweepers. All these categories are carefully indicated in grave Papal rescripts, as also the exact number in each which it is allowable for a Conclave to contain; the nomination always resting with the general congregation of Cardinals, except in the case of the Conclavists who are private secretaries to the Cardinals, and therefore selected by their patrons within specified limitations. These Conclavists have often played a most important part in Papal elections, many of which have owed their issue to the adroit practices of

these subaltern agents. The position of a Conclavist is confidential—one of intimacy.[1] Each Cardinal may be accompanied by two, who must be neither engaged in trade, nor stewards to princes, nor lords of a temporal jurisdiction, nor brothers or nephews of their patron Cardinal, in whose household they must have been domiciled for a twelvemonth before. The feeling of jealous precaution which is plainly dominant in all these regulations, has caused their conditions to be carefully observed. In 1758 Cardinal Malvezzi attempted to smuggle in a favourite, Canon Bolognini, and underwent the mortification of seeing him denied admission by the Sacred College, on the ground of his not having been a *bonâ fide* member of the Cardinal's house-

[1] The obligation of *secrecy* is as incumbent in law on the Conclavists and officials as on the Cardinals. In 1829 the violation thereof was visited with public expulsion and imprisonment. 'A Conclavist (I believe the one of Cardinal Ruffo Scilla) and a porter (*facchino*),' writes the Modenese Envoy Ceccopieri, 'have been expelled and put in prison for having, in defiance of the oath of secrecy by which all are bound when setting foot in Conclave, caused it to be distinctly known that Cardinal de Gregorio would be chosen in ten days' time,—an election which, however, went off in smoke, through Cardinal Albani's entrance.'—Bianchi, *Diplomazia Europea in Italia*, vol. ii. p. 430.

hold for the prescribed period, and its being therefore apprehended that he had been selected for the purpose of serving as the instrument to promote particular influences. On this occasion another curious exclusion was witnessed. The appointment of Physician-in-Chief was about being conferred on a Dr. Guattani, who is specially mentioned to have been a practitioner of renown, when Cardinal York expressed his father's hope that the Sacred College, in deference to his royal wish, would not make this nomination —a wish which was accordingly acceded to.[1]

The Conclavists constituted and still constitute a corporation conscious of power, and invested with recognised privileges. They have in fact acquired the substantial position which useful subalterns always do acquire. From an early period they appear to have been in the receipt of considerable gratifications, which they stoutly exacted, and finally reduced to a legalized tariff.

[1] What may have been the particular ground of complaint against Guattani we have not been able to learn. The Chevalier de St. George enjoyed in Rome all the privileges conceded to a sovereign, and as such recommended Cardinals for nomination; it was to him that Cardinal Tencin owed the red hat, according to the President de Brosses.

Amongst themselves they fixed a formal code of regulations in reference to perquisites, to which every Conclavist was bound to adhere, although such stipulations were distinctly contrary to Papal bulls. It was an established abuse that the cell of the newly-elected Pope should be sacked by the Conclavists, each man carrying off what booty he was lucky enough to secure. This monstrous perquisite was once subjected to reform by the Conclavists meeting on the 13th March 1513 in the Sistine Chapel, and discussing the point as if it were the most canonical right. The determination arrived at is preserved in a very business-like *procès-verbal*, given in full by Moroni, just as if it had been a legal document, instead of the expression of triumphant license. It was ruled that in lieu of the Pope's cell being offered up to common plunder, it should be the perquisite of his Conclavist on payment by the latter to his colleagues of 1500 ducats in gold, for which these became bound bodily to each other. But a custom of old date, however illegitimate, is not abolished at a blow; and the Conclavists continued their tumultuous and extortionate proceedings without alteration,

in after Conclaves. Down to the time of Alexander VII. (1655) the sacking of the newly-elected Pope's cell seems to have been the rule. It appears that its contents are now the perquisites of his Cameriere, an individual who stands in the position of familiar menial. The Conclavists are at present in the enjoyment of perquisites secured by Papal rescripts,—conclusive evidence of the peculiar influence possessed by this body of men. Fifteen thousand scudi (about £3000) are allotted as a fee after election, to be divided amongst the Conclavists, who besides are allowed the privilege of becoming full citizens in any town within the Pope's dominions, are admitted to the rank of nobility, and, if members of a religious order (every Cardinal must have one *ecclesiastical* Conclavist), are empowered to bequeath, by will, away from their brotherhood. It is intelligible how active secretaries of this stamp, thoroughly conversant with the inner minds of the Sacred College, often should have had great influence in deciding Papal elections.

On one occasion the slyness of the Conclavist Torres all but deprived Pius IV. of his election. Torres was in attendance on Cardinal Cueva. Clandestinely he

canvassed one night the Cardinals, speaking to each man singly as if he did so only to himself. His language was that it would be gratifying as well as proper that Cueva, who, he said, could never be elected, should have the honour of the testimony of respect involved in the vote of the particular Cardinal whom he was addressing. The vote would be a barren, but yet a pleasing distinction, he averred. By such representations, cunningly addressed singly to each Cardinal, Torres had actually got the promise of thirty-two votes out of the thirty-four in Conclave, and was inwardly chuckling over the astonishment which would follow on the opening of the ballot-box, when the trick is said to have been defeated by Cardinal Capo di Ferro accidentally asking his neighbour for whom he was about to vote, and being told for Cueva, to pay him a compliment at Torres' suggestion. Still seventeen votes had already been given in his favour before the exposure of the trick.

An interesting narrative is preserved[1] of the election of Marcellus II. by a Conclavist of

[1] In a letter without signature and without address, in 3d volume of the *Lettere di Principi*, Venice, 1581. Moroni ascribes it to Atanagi on authority not stated.

more than ordinary audacity, inasmuch as he ventured first, on peeping upon the very mysteries of the sacred vote constituting a Pope, at which Cardinals alone should be present, and then on divulging in a letter the scene he had looked upon. On this occasion the Cardinals appear to have had special grounds for being on their guard against the possible presence of unqualified Conclavists, for the day after the closing of the gates and the formal expulsion of strangers, they proceeded to an exceptional scrutiny of all who had remained within. The whole population of the Conclave was got together in the Pauline Chapel, at the door of which the three Cardinals, *Capi d'Ordini,* with the Cardinal Camerlengo, took their seats and scrutinized each individual as he passed out singly before them, the result of the inspection being the ejection of fifteen interlopers. Those who remained did not, however, show any greater disposition for this purgation to humour the assembled Cardinals, for we are told that two days later the Conclavists chose eight of their number as 'defenders to secure the observance of their privileges, that are many,' though the nature of these privileges is not stated. After an unusual

and unexplained delay, the Cardinals, who had formally entered Conclave as long ago as the 5th, proceeded to a first ballot on the 9th April, when the suffrages were found divided between Caraffa (Paul IV.), Ferrara, and Cervini, Cardinal by the title of Sta. Croce, and in the end the victorious candidate. The second of these Cardinals was particularly obnoxious to the Imperialists; but his following was considerable, his influence formidable, and his elevation to the Papal chair, out and out the result most deprecated from an Imperialist point of view, seemed not merely possible, but was considered likely to be assured if the election were protracted another four-and-twenty hours. To defeat Ferrara's chance of success became, accordingly, the object above every other of the efforts of those Cardinals who had at heart the Emperor's interest. To this end they quickly concerted to throw their influence without loss of time on the side of Cervini as the most generally popular candidate, even though there were grounds why he could not be specially agreeable to the Emperor, whom he had displeased during his presence as Legate at the Council of Trent. But the danger of Ferrara's eleva-

tion was so imminent that a sacrifice had to be made without loss of time. Under these circumstances it was resolved to carry the election by surprise before Ferrara and the French party had the opportunity to counteract the move next morning. Accordingly Cardinals Madruzzi and Caraffa stole privately to Cervini's cell to prepare him for what was coming, while the Cardinals were assembled within the Pauline Chapel in debate, which became eager and hot. Suddenly up jumped Cardinal Crispo, a confederate, and exclaimed, 'Up and let us be going; I for one will not rebel against the Holy Ghost,' and with these words he led the way, followed by most Cardinals, to the cell of Cervini, who was carried forcibly into the chapel amidst the vociferous acclamations not merely of his supporters, but even of most of his opponents, when they saw the day lost for them. Still, success had been snatched so far only by a bold stroke; and to confirm the adverse party in disorganization, the Conclavists were employed to make the fact of Cervini's election known at once in the city, with the view of eliciting popular demonstrations that might effectually suppress any

awakening tendency to opposition. For what had occurred, though of unmistakable force, was yet quite informal, and before the acclaimed Cervini could legitimately call himself Pope, it was still necessary to go through certain elaborate and punctiliously enjoined formalities. In the heat of the moment the proposal was indeed heard to hoist Cervini without more ado into the Papal chair, and to proceed forthwith to the act of adoration, but Medici, though a warm supporter, interfered, and drew attention to the necessity for observing carefully in this case every enjoined prescription, as a safeguard against later challenge of the election. At this admonition the Cardinals calmed their excitement, and relapsing into a proper air of gravity, proceeded to their seats, while the Conclavists were ordered out of the chapel. 'I alone went behind the altar,' writes the anonymous Conclavist, 'when the others were being driven out, and after the door had been closed came back again and put myself behind the Pope's chair, without anything being said to me, though I had been perceived by Cardinals; and so all of them being seated, the Cardinal of Naples (Caraffa), as Dean, stood up

and said, "Ego Joannes Petrus Cardinalis Episcopus Hostiensis Neapolitanus Decanus eligo in Summum Pontificem Reverendissimum Dominum meum Cardinalem Sanctæ Crucis," and in the same manner did the others give their votes, a secretary writing down each like a notary; when, just as they had finished, the Ave Maria sounded, which having been repeated by all as if in thanks to God for the consummation of the election, the Pope rose and made a little Latin speech thanking the College for its choice, and expressing his resolve, though conscious of unworthiness and insufficiency for such a charge, to do his duty, with an engagement to attend to no private interest, but only to the good of all, and several other words very much to the point, and of great gravity. Hereupon the Cardinal Dean of Naples got up and said that, in observance of the ancient rules, a ballot should be taken the following morning, with the voting-papers open, in order that his Holiness might see the good affection of all towards him, and this without prejudice of the present election, which was approved of by all, who unanimously would have the Pope speak the words, "Acceptamus sine præjudicio

præsentis electionis." After this all the Cardinals kissed the Pope, and the doors having been opened I was of the first who kissed his feet, which he would not have me do, saying that it would have been better next day. Nevertheless I did kiss them, and then all left the chapel, attending the Pope to his room, which he found so thoroughly gutted by the Conclavists that he was forced to betake himself into that of Cardinal Montepulciano, when he at once resolved on getting crowned next day in St. Peter's. While all this noise was going on, the gates of the Conclave were forced, and a mob entered, so that but for Messer Ascanio della Cornia[1] the whole Conclave had a chance of being gutted. As soon as he had come in, measures of precaution were, however, taken for everything, and no one

[1] He was a nephew of Paul III., invested with the uncommon title of *Consul* for this Conclave, not without umbrage having been taken by the Roman nobility, according to the same Conclavist:—'Nel medesimo giorno alle 21 hore, delli Cardinali, che si trovavono in Roma fu fatta congregatione sopra le cose et governo della Citta, della quale il Signor Ascanio della Cornia fu eletto Consule, benche questi Baroni Romani alquanto contendessero, dicendo essere officio loro haver cura della Citta, poi hebbero pazienza.'—*Lettere di Principi*, vol. iii. p. 160.

entered more but a few Prelates, who came to kiss the feet of his Holiness. All that night long one slept but badly from the sound and noise made by those who were removing their goods out of the Conclave. Next morning, Wednesday the 10th, the Pope and Cardinals entered the chapel an hour before day, according to the regulations; and mass having been read by the Sacrista, all gave their votes open in behalf of Cardinal Sta. Croce, who, not to vote for himself, gave his for the Cardinal of Naples. After this he was adored by all, and Cardinal Pisani, as senior deacon, went, according to custom, to a window, and said to the people, *Papam habemus;*—his name being Marcellus the Second, which he bore before, and would by no means change.'

IV.

DURING these latter years of Pius IX.'s reign the question has been frequently mooted in whispered talk, how far this prescription of nine days' ceremonial preliminary to the creation of a Pope might not be dispensed with by a simple Papal injunction. The idea has, in fact, been entertained in circles worthy of credit, that, in view of the political dangers besetting the Holy See, some Papal instrument has been duly provided by Pius IX., absolving the Cardinals from the obligatory observance of the prescribed forms of election, and empowering them to make, if they saw fit, a new Pope over his yet warm corpse. There can be no question as to the Pope's perfect competency in principle to authorize so grave a departure from the custom of ages by an

individual act, even without the concurrence of any Cardinals. There are precedents for similar proceedings. Adrian V. (1276), who reigned only a few days over a month, actually abrogated the great Bull of his predecessor Gregory X., and this repeal remained in force through six elections, until the scandalous consequences of the abolition of disciplinary provisions induced Celestine V., with his hermit nature, to revive the law of Gregory X. Still more in point would be what was done by Gregory XI. It was the time when the Holy See, for nearly three quarters of a century, had been pining in self-willed exile at Avignon. It was felt by all devout minds that the situation into which the Church had got herself, through this step, was ruinous to her interests. The Pope himself, although a Frenchman, was fully alive to the fact that to save the Church it was indispensable to satisfy the outraged conscience of Christendom, by carrying back to its natural seat, Rome, the Holy See, from its spurious residence in Avignon. But to do this effectively it required an effort of force, for the Pope in those days was in the same plight as many of his successors, of being surrounded by a

cabal of hostile interests,—a network of opposing Court influences, in our times called a Camarilla. The Pope might himself flit, indeed, to Rome, and yet, with the individuals composing the Sacred College, in great proportion creatures of the French Crown, and with the existing distribution of political interests, the same might be expected again to occur which already had occurred, namely, that the transfer would be only for so long as the Pope lived. To secure a lasting re-establishment of the See in Rome, Gregory XI. perceived it to be necessary to make, for once, a radical change in the value attached to specified forms in the machinery of Papal elections. By a Bull bearing date 19th March 1378, Gregory XI., at one stroke of the pen, suspended every existing regulation on the subject of Papal elections, set the Cardinals free from the observance of any obligations they might have sworn to in accordance to prescription, and specially empowered them not merely to meet for election on his decease, whenever it might seem convenient, but to nominate by *simple majority*. This memorable exercise of Papal authority, constituting a true *coup d'état*, stands justified by the approving voice of

all ecclesiastical authorities, who have accepted it, without, so far as we know, one observation conveying an insinuation of usurpation against this Pope for what he did on this occasion. He dealt with a special emergency, as the Council of Constance did, by the application of measures drawn from the inspiration of the moment, and fashioned without slavish deference for precedent; and in both cases the result proved the wisdom of such bold action. A more recent and far more pointed precedent for an instrument such as Pius IX. has been supposed to have secretly made, is furnished in certain provisions taken by Pius VI. to secure the free election of a successor when he found himself exposed to personal violence at the hands of the French Republicans. The little known history of the Papal measures adopted to meet the threatening exigencies of that serious crisis is full of curious instruction.[1]

[1] The authorities are—Baldassari, in his *Relazione delle Avversità e Patimenti del glorioso Papa Pio VI. negli ultimi tre anni del suo Pontificato*, Ed. seconda, Modena, 1840; Moroni, in article 'Conclave,' who, however, is very confused and inaccurate on the subject; and Novaes, *Storia dei Pontefici*, vol. xvi. parte seconda, p. 131. Besides, we have been favoured with

In the beginning of 1797 the States of the Church were invaded by the French armies, which carried all before them with so great rapidity that, on the 19th February, the Pope's plenipotentiaries signed the politically-disastrous treaty of Tolentino. Yet humiliating as its terms were for the Sovereign of Rome, the Pope could accept them with a feeling of relief, for the conditions imposed involved merely secular losses; whereas he had been threatened with a demand for the recantation of the solemn Pontifical Brief condemnatory of the civil constitution of the French Church. The acquiescence in this demand would have been tantamount to a sacrifice of principle which the Church could not have made without denying her nature altogether. The Pope convened the Cardinals in Council, and their vote was distinctly against giving way on this head; rather than yield thereon, they were of opinion that the worst

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the perusal of manuscript letters of various Cardinals, and especially Antonelli, on the matter. Baldassari's book abounds in valuable material—he having been an attendant on Monsignor Caracciolo, who acted a part in these transactions, and from whom Baldassari obtained much precious information, which he transcribed faithfully.

should be confronted with the spirit of martyrdom. In this state of affairs it was natural that measures should have been revolved to render possible the unbroken action of the Church as a hidden institution in that season of persecution which then seemed to threaten her public existence with extinction. To this end it was considered primarily essential that those provisions should be modified, the observance of which, as enjoined by the statutes of the Church as they then stood, would unavoidably surround the election of a Pope with formalities that must increase the difficulty of effecting it in the teeth of an overwhelming conqueror who did not recoil from the use of physical force to extort moral concessions. In the month of February, therefore—the very time when the French troops were pressing on rapidly, and no one in Rome could say at what point their chief would arrest his triumphant advance,—the draft of a Brief was indited, suspending, for the sole occasion of the next election, the provision which, for the benefit of Cardinals at a distance, imposes an obligatory delay of nine days after the Pope's decease before a ballot can be taken in Conclave. There can be no ambiguity as

to the intention that prompted this very concise Pontifical utterance in derogation from previous statutes. The course of events, however, rendered its promulgation superfluous. It was never transcribed from the draft; all knowledge of which would have passed away but for Baldassari, who saw the original, as he believes, in Pius VI.'s own handwriting, and gave the text in his memoirs of that Pope's captivity.[1]

The hopes of Pius VI., that he had purchased peace by the heavy sacrifices he had

[1] This Brief begins—'*Nos Pius Papa Sextus, attentis peculiaribus præsentibus Ecclesiæ circumstantiis,*' and is to be found in Baldassari, vol. ii. p. 219, note. Moroni quotes the opening words, but ascribes them to the Bull issued in the following year, and is altogether wrong in what he says, mixing up two totally distinct occurrences. Baldassari, who here, as generally, is painfully minute, gives details which speak for his accuracy:—'A questo affare importantissimo aveva egli rivolto le sue cure apostoliche anche nel febbrajo dell' anno medesimo quando i soldati di Bonaparte marciavano alla volta di Roma e giunsero sino a Foligno. Mi è ignoto il giorno ch' egli sottoscrisse e muni del suo sigillo privato un decreto a cio. Ben so di certo che il decreto fu ultimato ed autenticato nel detto modo, perche mi lo disse persona degnissima di fede, chi vide quel foglio; come ancora ne so il tenore, perche n' ebbi fra le mani la minuta che mi parve fosse scritta di mano del Papa ed è precisamente tal quale io la pongo nel luogo delle annotazioni.' It was dated simply *Romæ apud S. Petrum die . . . . mensis Februarii anni* 1797.

made, were quickly dissipated. Before the year 1797 was out, on the 28th December a tumult occurred in the streets of Rome, when the French general Duphot was killed, and Joseph Bonaparte, the diplomatic representative of the Republic, left the city, in spite of the Papal Government having offered to make every apology that might be required for the crime that had been perpetrated. It was manifest that a fixed intention was entertained to make the worst of an untoward incident, and that the French authorities meant this time to avail themselves thereof to push the Pope against the wall. Accordingly, two days after the outrage, on the 30th December, a Bull, beginning with the words[1] *Christi ecclesiæ regendæ*, was issued by Pius VI. to give formal validity to the provisions contemplated in the former Brief. There can be no doubt as to the authenticity of this instrument; for although it is not to be found in the Bullarium, it is

[1] This Bull was not seen in the Latin text by Baldassari, who, at p. 222, vol. ii., gives an Italian summary of its contents. We have been favoured with a *précis* from the Latin in MS. Baldassari says that all his researches failed to make him find a Latin copy, which he ascribes to the losses that the Papal archives experienced at that period.

referred to in the second Bull issued by Pius VI. in the year after on the same matter. The rapidity with which its promulgation followed on the outrage, is also evidence of its having been duly prepared beforehand, and in the anticipation of emergencies. After a preamble, to the purport that novel circumstances call for novel provisions,[1] and that an inflexible law cannot meet the needs of an unsettled time, Pius VI. empowers those Cardinals *in situ* at his death to act, as may seem best to their wisdom, in the observance of the prescribed nine days' interval before electing a Pope. The Cardinals on the spot are authorized, without taking account of their colleagues at a distance, either by unanimous vote or on mere majority, to put off indefinitely, or to any period they may appoint, the election, in the event of grave dangers threatening, and no safe place offering for assembly, as likewise to proceed offhand to an instantaneous election if deemed expedient,—such extraordinary dispensation from the ancient customs of the Church being, however, expressly declared to be limited to the

[1] 'Novis incidentibus rebus nova parari iisdem debent accomodarique consilia.'

event of grave peril. Between the before-mentioned draft for a Brief and this Bull there is only one difference of consequence. The validity of the proposed Brief was expressly limited to one occasion, *pro hac vice*, whereas the provisions in the Bull are as expressly appointed to hold good on the recurrence of any like state of public affairs that would threaten the legitimate action of the Church's grand electors. What in the former document was expressed as a mere act of dispensation, in this deed assumed the expression of an organic law, modifying permanently the practice of the Church under given circumstances, and promulgated with the formally-declared concurrence of its princes—the Cardinals. Grave peril was not slow in overtaking the Holy See. On the 20th February 1798, Pius VI. was carried away a prisoner into Tuscany by the French, the Cardinals were dispersed, and Rome converted into a Republic. After a short sojourn at Siena, the Pope was finally deposited in the old Carthusian monastery near Florence, under strict guard, with the smallest conceivable retinue, and cut off from free intercourse with his ministers and the scattered Sacred College, the most of

whose members were divided between the states of the King of Naples and of the Emperor of Germany. The situation was of a nature that unavoidably imposed the necessity of taking thought for the future, for the health of the Pope, stricken with years, indicated an approaching demise, while the complete dispersion of the Papal Court utterly unhinged and disjointed its machinery. There was a general sweep of established organism, and a state of things had been produced like a void, wherein the dispersed atoms of the Court of Rome had to steer themselves as they best could by lights adapted to the novel atmosphere. If the Pope expired in the Certosa, as there was every reason to anticipate, his death would occur away from all Cardinals, and under conditions that would render every formal summons to a Conclave impossible. To provide, therefore, means calculated to meet the exigencies of this unprecedented situation was a thought that could not but anxiously occur to the conscientious dignitaries of the Church; but the serious difficulties naturally inherent to this task of framing forms suitable to the occasion were materially increased by the failing

energies of the breaking Pontiff, who hesitated to act, and by cross currents of a political origin that obstructed a concert of views amongst the dispersed Cardinals—a most serious drawback when it became a question to frame provisions with the view of promoting the union of the Church in this season of extraordinary trial. The capital difference of opinion which divided the Cardinals had reference to the locality in which the election of the next Pope should be held. As we have already said, a portion of the Sacred College, comprising its Dean Cardinal Albani, had taken refuge in the kingdom of Naples, while another batch had sheltered itself under Imperial protection. Both governments had received these dignitaries not merely readily, but actually competed against each other for preference by the fugitive Princes of the Church as an asylum. The motive prompting this rivalry was to be found in the disposition ascribed to the Neapolitan Court to turn the presence in its territory of the Church's Electors to the advantage of its interests, by inducing the choice of an accommodating Pope, and the very natural desire of the Imperial Cabinet to defeat a project so detrimental

to its own influence. In July 1798 eleven Cardinals were in the Neapolitan States, one of them being Dean of the College, and the fear was entertained, in some quarters, lest, in the event of the Pope dying without having made special dispositions for the convocation of Conclave, in accordance with the exceptional circumstances of the times, the minority, in part composed of Neapolitan Prelates, might proceed to an uncanonical election, under the influence of royal pressure, on the plea that the Cardinal Dean's presence constituted them the legitimate representation of the Sacred College. There is no proof that Cardinal Albani, the Dean, was prepared to lend himself to a move so full of risks, and than which a more disastrous one could not be conceived in the plight in which the affairs of the Church then stood. But the apprehension did undoubtedly exist that the Court of Naples might be disposed to avail itself of the presence of a knot of Cardinals in its dominions to make these proclaim themselves in Conclave, and attempt to impose their individual choice on the Church; and the effect of this apprehension was to stimulate those members of the Sacred College,

who had most at heart the independence of the Church and her freedom from schism, to get the Pope to promulgate an instrument which might effectually obviate the danger in question. Of the Prelates so minded the most prominent for energy and resolution was Cardinal Antonelli.[1] On the great dispersion of the Court of Rome, he had taken refuge neither with the Emperor nor with the King of Naples, but on the coast of the Tuscan Maremma,[2] until, after the capture of Malta, he proceeded to Venice at the express desire of the Pope. On his way thither, Cardinal Antonelli passed through Florence, where he contrived to obtain two audiences of Pius VI., but only by an artifice, and became painfully impressed with the Pope's decaying powers of body and mind, and the isolation in which he was placed from inter-

[1] This Cardinal Antonelli was in no manner connected with the one of the same name in our day.

[2] Up to June the Cardinal found a retreat with the Passionists at Monte Argentaro. But the Republican Magistrates of Viterbo threatened these friars with confiscation of property if they continued to give shelter in their dependency to the Cardinal, who then betook himself to San Stefano, a small fortified place on the coast—the same whereon Garibaldi, while sailing for Sicily, made a descent, and whence he carried off a couple of rusty cannon, the whole artillery with which he landed at Marsala.

course with men equal to giving him counsel in his delicate position. The Cardinal made the best use of his opportunity, therefore, to urge on the forlorn Pope the necessity of taking measures, without loss of time, to guard effectually against the not improbable danger of a controverted election, in the event of matters being left in so novel a situation to the undirected instincts of a dispersed and disorganized Sacred College. Pius VI. shrank at first, with the timidity of his advanced years, from the energetic counsels of the resolute Cardinal, who, however, pressed him so vigorously that before leaving Florence he had succeeded in obtaining the Pope's acquiescence in his proposals. These were to the purport that a special Bull was indispensable to give the Cardinals the requisite facilities for securing the certain election of a Pope under existing circumstances; and for a Bull to meet the case a sketch was accordingly submitted by Cardinal Antonelli[1] to the Pope, who expressed his agreement with its substance, and charged his secretary, the ex-Jesuit Marotti, to draw it out in a formal shape.

[1] Baldassari distinctly fixes the authorship of the draft.—Vol. iii. p. 147.

This draft was 'seen and copied' by Baldassari, who affirms its contents to have empowered the Dean, with two or three colleagues, to name the locality for the election of the new Pope, the Cardinals being authorized to give their votes in Conclave by proxy left with one of their body, and to have dispensed from all enjoined rites and prescriptions connected with a Pontifical election, except the obligation of a majority of two-thirds to render a result canonical. The innovation in this Bull is sufficiently great to impress us with a sense of the counsellor's daring who conceived it, and to render intelligible the repugnance which the proposal met with. It has been ruled over and over again in Pontifical canons, that the major penalties should befall any Cardinal presuming to concert for a Pontifical election—the Pope being yet alive and not privy thereto;[1]

[1] The very earliest of canons on record about Papal elections, issued by Symmachus in A.D. 499, is directed against all treating and dealing in the matter of electing a Pope while one is alive, in full health (*incolumis*), and excluded from knowledge of what is going on. But the capital act on the subject is the Bull *Cum secundum apostolum nemo debeat sibi honorem assumere* of Paul IV. (1558), which is levelled in the fierce tone of that truculent Pope against every act savouring of human ambition and human exertion to attain the dignity of

whereas by this Bull such a proceeding was directly incited; while the proposed power of proxy is quite without precedent. In the end of August, Cardinal Antonelli had arrived in Venice, and was congratulating himself on this act, the final promulgation of which he thought that he had secured. But the hesitation of old age reverted on Pius VI., when in his lonely cell he saw brought to him for ratification the instrument wherein, by a stroke of his pen, he was so gravely to modify ancient constitutions. The Bull of the previous year had been promulgated in concert with his Cardinals; but this one, involving far more

the Papacy. In the spirit of an ecclesiastical Cato, every proceeding flavouring of this nature is savagely stigmatized as a crime, and subjected to all the severities of ecclesiastical punishment. Amongst the many cases repudiated, that of canvassing for a Pope, without the knowledge of the living one, is considered so heinous as to have a whole clause specially devoted to its absolute condemnation. The object of the Bull is laudable; it was inspired by a just indignation at the interests of a manifestly secular nature which had decided elections in more than one recent Conclave; but its tone and fierce denunciations are signally characteristic of that intemperate zeal which has made the name of Paul IV. survive only as the ill-sounding synonym of cruel and precipitate passions; whereas once it was hopefully expected to express the fearless uprightness of a genuine man of God.

radical changes, had been the work of one single daring Cardinal, who, the Pope was uncomfortably conscious, had used in some degree over him the ascendency of an imperious nature that coerces rather than convinces. Pius VI. became uneasy at the consequences of what he had engaged himself to do of his own authority, and postponed the issue of the Bull until he had obtained on its contents the opinions of a certain number of Cardinals, especially of those in Venetia, according to Baldassari. Means were found to communicate with them, and their replies reached the Pope. The impression made on the minds of the consulted Prelates by the document was undisguisedly unfavourable. The notion of proxies was particularly condemned; and the poor old Pope, frightened and troubled at the angry feelings excited by the draft, timidly drew back, and determined to drop entirely a Bull which he himself had been so loath to entertain at first. But a complete abstention of this kind from remedial legislation was not what was wanted by those whose criticisms had so painfully moved the Pope. They had objected, indeed, to the Bull as framed, but they had

not intended to advise that nothing should be done against a manifestly threatening contingency. The feeling prevalent was in favour of some special measure to put the Church in a condition to deal effectively with its unprecedented situation; and for the Pope not to act at all in this sense, simply because the radical proposals of Cardinal Antonelli had been deemed excessive, was contrary to the general desire. Accordingly, a second forthcoming draft for a Bull to meet the needs of the case came to be taken into consideration. This one was due to the inspiration of a Prelate—who had shown himself all along a fervent advocate for taking steps to obviate the dangers of a protracted, or, still worse, a disputed Papal election—Monsignor Michele Di Pietro, then resident in Rome as the Apostolical Delegate of his expelled master. It is not clear whether he knew what had occurred on the subject—communications with the Pope and Cardinals being in those days difficult; or whether it was a spontaneous composition made by him suggestively, and in ignorance of Cardinal Antonelli's draft. Anyhow, he drew up an outline of what he considered requisite to provide for the safety of the Church under

impending eventualities; and this paper was taken to Florence for the Pope's inspection by an ecclesiastic, brother to Cardinal Sala. There was then in Florence Monsignor Emmanuel Di Gregorio, a Prelate of considerable resoluteness, who strongly sympathized with those who strove to get the Pope to issue a modifying Bull, and had been a channel of communication for Cardinal Antonelli, whom he had gone to visit several times in his retreat in the Maremma. To Monsignor Di Gregorio the emissary from Rome addressed himself, and received from him pressing advice not to say a word to the Pope about his errand until he had obtained the opinions of the Cardinals in Venetia on the paper he had brought. This counsel was followed; the Roman emissary proceeded to Venetia, consulted the Cardinals on the instrument he had in charge, and brought back to Monsignor Di Gregorio the assurance of their willingness to agree to the same. Thereupon Di Gregorio addressed Cardinal Antonelli, stating the opposition advanced to his draft, and the concurrence expressed in the other, and finally persuaded him, although hardly with good grace, to acquiesce in the general view. With this

concurrence of favourable opinion, the difficulties in the way of inducing the Pope to act were materially lessened. What he shrank from was responsibility and independent action; but as soon as the approval of the Cardinals had been given he again felt safe to proceed; and on the 13th November, accordingly, he formally executed his second and last Bull[1] for the registration of his successor's election. In virtue thereof, every previous Papal edict on the matter, without exception, was derogated from—such derogation to hold good for the Conclave immediately following, and every other that might unhappily occur under the auspices of equally adverse circumstances. To insure, therefore, the object of this act of legislation—the quick and safe election of a successor,—the Cardinals were empowered forthwith to confer amongst themselves on all points of importance for the election, as the appointment of a suitable locality to hold it in, and the mode in which to conduct it, the faculty of dispensing, if they saw

[1] This Bull stands in Barberi's *Bullarii Romani Continuatio* (Rome, 1845). It begins '*Quum nos superiori anno*,' and decides the point of the actual and formal promulgation of that other Bull of 30th December 1797.

fit, even with the practice of immurement in Conclave being conceded, though not that of canvassing in behalf of a specific candidate during the Pope's lifetime. So direct an approach to election was absolutely forbidden. The death of the Pope was to be notified by any Cardinal, or the senior amongst the Priests with him at the time of decease, the Conclave being constituted by the larger number of Cardinals who might be together in the territory of one Catholic sovereign. To this Conclave summons should be issued by the Cardinal Dean, if one of this majority, or, in his absence, by the senior Cardinal; and on this acting Prelate should devolve the selection of the place for assembly. Moreover, the Cardinals composing a majority under the said conditions of residence were declared to constitute a Conclave *de facto*, and empowered to proceed to a canonical election of themselves without any summons, provided ten days had been allowed to elapse, after notification of the Pope's death, for Cardinals at a distance to join their colleagues. Under no circumstances, however, was an election to be valid without the majority of two-thirds of the Cardinals in Conclave. Such were the ample and very carefully-considered

clauses in this important piece of Papal legislation, which dropped out of general memory in a manner difficult to understand. In comprehensiveness, it cannot be said to have fallen behind Cardinal Antonelli's rejected draft; the only provision in which that was not adopted being the questionable proposal for proxies. In every other respect the new Bull was even larger and more defined in its dispensing clauses; so that certainly the duration of Conclave, when it actually met after the death of Pius VI., was not due to its having been forcibly tied down by dictatorial forms hampering independent action. In the Chancery of the Vatican, the precedent thus afforded was, however, not allowed to pass out of mind. It has not been forgotten by the men who are charged with the custody of the machinery of the Papacy, that there exists this authority for dispensing with old-established formalities for a Papal election when deemed inexpedient, and the authority, we know, has been appealed to at least on one occasion before Pius IX.'s time. We have it on the authority of one yet alive, and who was admitted to Gregory XVI.'s especial intimacy, and, in virtue of his position, attended

him in his last moments, that this Pope left behind him a document, under his own hand, empowering the Cardinals to proceed to an immediate election on his demise if they saw danger to the free action of Conclave, in observance of the traditional formalities. This document, we are informed, was indited at the period of the insurrectionary movements in the early part of this Pope's reign, which were formidable, and required Austrian intervention for suppression. It was ever after kept by Gregory XVI. in the drawer of his writing-table (where it was found after his death) with so great solicitude, that every time he moved from one palace to another, the individual who is our informant was specially charged to watch over the transfer of the precious document.[1] What may be the precise form of document which Pius IX. is believed to have prepared we cannot say; but we cannot doubt his having been guided by these precedents in the Papal archives in any provisions he may have taken to meet exigencies of an analogous nature.

[1] The fact that a document of this nature was found amongst Gregory XVI.'s papers is mentioned incidentally by Emil Ruth.—*Geschichte von Italien vom Jahre* 1815 *bis* 1850. Heidelberg, 1867. Vol. ii. p. 80.

V.

PIUS VII. expired in the Quirinal, and, in accordance with the letter of the law prescribing a Conclave to be held in the very palace in which the Pope dies, the Cardinals congregated there. Since then, however, they have continued to do so on each vacancy, without any warranty of the kind. The Vatican is now therefore deserted as regards those Conclave doings with which its name stands so closely associated. Not that Papal elections were uniformly held there. The churches of Rome abound in historical memories connected with the scenes of Conclaves. Several memorable Popes were created in the Church of the Minerva; and even Sta. Sabina, that stands in solemn loneliness upon the unpeopled heights of the desolate Aventine, once was the scene

of eager contests after the death of Honorius IV. of the Savelli blood in the adjoining family palace, the picturesque remains of which constitute still such a striking feature. The earliest Conclave recorded to have met within the Vatican precincts is that of 1303; and not till the election of Urban VI., 1378, did a second assemble at the same spot. Then there followed again a series in various localities, until, in 1455, a succession of Vatican Conclaves began with Calixtus III. that was not broken until this transfer to the Quirinal in 1823.

Although apparently the Vatican has now become obsolete for electoral uses, its name stands so closely associated with the eventful traditions of Conclaves, that the reader will excuse a few words on the arrangements which on such occasions were made in this celebrated locality. The whole of the first floor of the pontifical palace was strictly shut off for the accommodation of the Cardinals and of the throng of individuals of various degrees who were appointed to share their imprisonment. Each Cardinal was lodged in a booth by himself, technically termed a cell, and erected in the vast halls constituting the Vatican apart-

ments, each of which halls contained a number of these wooden huts that comprised a couple of small ground-floor rooms, occupied by the Cardinal, and similar accommodation above for his confidential attendants. The Cardinals created by the late Pope had their cells hung with violet cloth, in sign of mourning, while the others had theirs draped in green; and this distinction is still observed.[1] When the Sacred College

[1] The ascetic regulations promulgated by Gregory X. (1272) probably remained a dead letter. At all events, in 1351 Clement VI. already modified their stringent restrictions sensibly in his Bull *Licet in Const. a fel. record. Gregorio Papa X.* Whereas, originally, Cardinals were bound to live and sleep in one common hall with no division of any kind, they were then authorized to stretch plain curtains round their beds—'ut honestius possint quiescere in suis lectis.' So also were they secured the indulgence of one dish a meal however long the election might be protracted, and in addition a good many other gastronomic luxuries, so long as they could be made to pass for condiments. The language of the Bull is amusingly detailed: 'Ac etiam singulis, praeter panem, vinum, et aquam in prandio et in cena, unum duntaxat ferculum, seu missum carnium unius speciei tantummodo, aut piscium, seu ovorum cum uno potagio de carnibus vel piscibus principaliter non confectis et decentibus salsamentis habere valeant, ultra carnes salitas et herbas crudas ac caseum, fructus sive electuaria. Ex quibus tamen nullum specialiter ferculum conficietur, nisi ad condimentum fieret vel saporem.' But no Cardinal was to be so greedy as to

was so numerous as to cause a pressure for accommodation, the gallery over the vestibule of St. Peter's used to be also given to the Cardinals, as was the case in the Conclave of 1740, witnessed by the President de Brosses.

The distribution of these diminutive houses was always by lot. The one who had fared best in the raffle on the above occasion was Cardinal Tencin, who had drawn the hut in the middle of the gallery, so that the niche of its big central window, walled up until a new Pope has to be proclaimed therefrom, formed a spacious extra apartment at the back of his booth. 'But,' adds the President, 'for this convenience he will be prettily rifled and pulled to pieces when the new Pope comes to the balcony to give his blessing to the people in the square below.' The great hall at the top of the Scala Reggia, which serves as a vestibule to the Sistine and Pauline chapels, remained always free, and was the playground of the imprisoned Cardinals,—the spot in which

taste of a colleague's mess: 'Nullus vero eorum de alterius ferculo vesci posset.' At present it is unnecessary to add that the Cardinals give themselves all the comfort and culinary luxuries they may like.

they met and walked up and down together for recreation or for consultation. Also, the same hall has been the scene of many stirring encounters and sly colloquies. In the Pauline Chapel it was usual to erect six supplementary altars, whereat each Cardinal and Conclavist performed his appointed daily mass, while the Sistine was always set apart for voting operations. It was the polling-booth of the Conclave, and popular tradition even ascribes the injured condition of the paintings on its walls and ceiling in great degree to the effect of the smoke from the balloting-papers regularly set on fire in the chapel after every unsuccessful ballot. No plea could enable a Cardinal, or any one belonging to the establishment in Conclave, to extend his steps beyond the precincts of the first floor, all windows and apertures in which—especially the arches of the Loggie, running round the court of Saint Damasus —were jealously walled up, with only so much window left as must needs be preserved to let in an indispensable amount of light,—the spared panes being, however, protected against an illegitimate gaze by a covering of oilcloth. The doors at the top of the Scala Reggia, leading into the great

hall between the two chapels, were alone left unwalled, for the admittance of Cardinals who might arrive after the commencement of business, or the ceremonial visits conceded as a privilege to royal persons who might happen to pass through Rome during a Conclave. But these doors, except on such occasions, were kept carefully closed with four locks, two on the outside, the keys of which were intrusted to the Marshal, as porter of this gate; two on the inner side, the key of one being in charge of the Camerlengo, and of the other in charge of the Master of Ceremonies. By the side of the door there were two wheels, or rather turning-boxes, for the admission of objects declared free from suspicion, after inspection by officers on guard against the introduction of correspondence, and in other parts of the building there were six other wheels of the same kind, similarly guarded, for the admission of the many articles without which it was physically impossible for so large a congregation of human beings to subsist. The shape of these wooden turning-wheels is the same as those used in the parlatories of nunneries, and their application is ascribed to the ingenuity of Paris de Grassis, who

officiated as Master of the Ceremonies at the Conclave which elected Julius II., 1503,—up to which time everything admitted had to be let through an aperture in the wall, as prescribed in the Bull of Gregory X. Outside the palace there were posts of soldiers around its walls, and at every approach, no one being permitted to pass the barriers erected on the Bridge of St. Angelo and at the gate of the Leonine city who was unfurnished with a pass-medal, so that the quarter of the Borgo was practically shut off from circulation during the sitting of a Conclave.

In the locality now used there occurs no longer any need for the erection of wooden booths. The portion of the Quirinal Palace devoted to the accommodation of a Conclave is that which runs from Monte Cavallo to Quattro Fontane. Here there is probably the longest corridor in the world, upon which opens at equal intervals a range of doors—exactly like those of monks' cells in a convent corridor—that lead into apartments comprising each three or four rooms. These form the habitations of the Cardinals during Conclave, who draw lots for them as they did for the booths. On all points of

form and ceremonial, however obsolete for practical purposes, there is observed a minute imitation of what was the rule in the Vatican. As formerly the Borgo, so now the street running towards Porta Pia, is closed by chains, while at the top of the great staircase are met the same turning-boxes that figured at the head of the Scala Reggia. At these wheels Cardinals are now allowed the privilege to hold conversation with visitors,[1] though subject to being overheard by attendant guardians, as also to receive letters under the restriction of their being first perused by these. It is superfluous to add that in spite of the severe penalties launched with the full weight of Pontifical anathema against every violation of the command that an inmate of Conclave should hold no intercourse with the world, and the non-repeal of these Papal enactments, the correspondence between the Cardinals within and their political friends without has

[1] No one is permitted access to these wheels termed *le rote nobile* unless provided with a small staff painted green or violet, and bearing some Cardinal's arms, or with a pass-medal from the Camerlengo, or Maggiordomo, or Governatore, or Marshal, or General Auditor of the Apostolic Chamber.

yet at all times been general.[1] As a rule, the secret of sitting Conclaves has not been denser to penetrate for those having an interest to do so than the secret of pending conferences generally are for parties engaged in working and counter-working political plots. In Father Theiner's elaborate history of Clement XIV., for the vindication of his election against the charge of uncanonical engagements taken beforehand to sacrifice the Jesuits, we have been furnished with the confidential correspondence day by day between immured Cardinals and their confederates outside. Also it is amusing to read the involved explanations through which the perplexed author tries to extenuate this flagrant violation of the plain letter of Papal Bulls. There is no publication which sheds so full a light into the whole process of Conclave proceedings as these

[1] 'We may here notice,' says M. Bergenroth, 'that the idea that the Conclaves in the sixteenth century were really secret must be dismissed at once. The ceremony of walling up some entrances was observed, but, as the Duke of Sessa wrote on occasion of the next election (Clement the Seventh's), only as an empty form. Other doors remained open, and the Cardinals assembled in the Conclave communicated freely with the outer world.'—*Calendar of Negotiations*, vol. ii., Introduction, p. cxxxvii.

pages in Father Theiner's book. 'It must never be forgotten that the election itself is a human act, and that human impulses and weaknesses of all kinds come here into play,' writes the present Keeper of the secret Records of the Vatican. 'Apostolical constitutions of more recent times,' he continues, 'specially that of Pius IV. (*Eligendis*, 9th October 1562), those of Gregory XV. (*Æterni Patris Filius*, 15th November 1621, and *Decet Romanum Pontificem*, 15th March 1622), and of Urban VIII. (*Ad Romam Pontificis*, 28th January 1625), have indeed strictly forbidden Cardinals from conferring with any one, even with their colleagues, on the Pope to be elected, or from forming factions, and likewise from writing anything about the course of the election to those without the Conclave.'[1] These regulations Father Theiner does not scruple to affirm to have been in excess of what was humanly feasible; and to the fact of this exaggerated stringency he would ascribe the correspondence from which he quotes so largely.[2]

[1] Theiner, *Geschichte des Pontificats Clemens XIV.* Leipzig, 1853, vol. i. p. 139.

[2] Still he makes the distinct admission that in their correspondence the Cardinals violated obligations by

In our time Conclaves have certainly no pretensions to greater secrecy than generally pervade Cabinets and their proceedings, only the received forms in Conclave are such as to afford special facilities for operating in secrecy when its members may be so disposed.

When all preliminary observances are over, the Cardinals assemble in the Church of St. Sylvester, on the Quirinal, opposite the Rospigliosi Palace, known to visitors of Rome for the paintings it contains by Domenichino, but possessed of a yet higher interest, as having been the scene where Vittoria Colonna, who resided in the adjoining convent, used on Sundays to hold deep colloquies with Michael Angelo and other choice spirits, of which a striking record has been strangely preserved in the diary of a Flemish painter, which

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which they had bound themselves. ' How, it will be asked,' he writes, 'could some Cardinals venture on such open violation of the above constitution as to communicate so freely to their Court all that passed in Conclave, as was the case with the French Cardinals and with Orsini?'—a question Theiner vainly tries to meet satisfactorily, for all he can say in palliation of the practice is, that the Cardinals specially in fault happened to stand in specific official relation with their Courts, which is tantamount to invoking an accumulation of abuses as justification for further delinquencies.

some years ago was discovered in the Lisbon Library.[1] In this church they attend a mass of the Holy Ghost, and listen to a sermon, after which, preceded by their attendants, and the full string of office-bearers, the Cardinals walk in procession across the Piazza, and solemnly enter Conclave, which, however, is not finally closed until a late hour in the evening. Till that moment strikes, the Conclave presents a scene of busy activity; for it is customary for every person of rank in Rome to pay his respects to each Cardinal in his cell. The Conclave therefore offers the gay appearance of a public state reception such as every ambassador holds in Rome on his arrival, and every Cardinal on his nomination, with this difference, that only the male sex is present at the Quirinal. But there is more done on this afternoon than merely to whisper words of compliment. The swarming hive of busy beings hurrying from cell to cell is pregnant with political emotions; and on this evening a Conclave is pervaded with the palpitating excitement that vibrates through anxious committee-rooms on the

[1] It has been printed in part in *Les Arts en Portugal*. Par le Comte A. Raczynski, 1846.

night before polling-day. Hither hie, then, all the ambassadors, and envoys, and political agents in Rome, to snatch the last opportunity afforded for unrestricted conference, to give the last stroke to eager appeals of soft persuasion, or deterring menace, the last touch to cunning combination, and particularly to deposit in the hands of an intimate confederate the knowledge of those whose nomination their Courts will absolutely not brook, before, at the third ringing of a bell, three hours after sunset, the Master of the Ceremonies makes his appearance, and calling aloud '*Extra omnes*,' obliges strangers to withdraw beyond the sacred precincts. Then is every ingress jealously walled up, except the door at the head of the principal staircase, on which bars and bolts are drawn, and heavy locks are turned, with due formality—those on the outside in presence of the Prince Marshal —those within, of the Camerlengo and his three Cardinal colleagues; and now is proclaimed the commencement of that solemn confinement, which by law should be absolute until a new Pope has been created, or at all events, according to the constitution of Gregory X., until a vote of two-thirds of the

immured Cardinals shall have ruled its suspension. Often, however, this preliminary work of clearance has proved a task of trouble, and Masters of the Ceremonies have been driven distracted by the occasional obduracy of ambassadors in not giving heed to the tingling summonses, and their haughty disregard of earnest supplications to conclude final conferences with confidential Cardinals.

VI.

BEFORE proceeding to actual business, the Cardinals go through the formality of proving their identity and right to attend Conclave. In reality, this is nothing more than a form glibly run through, for there can be no danger of personation in this small constituency. But this ceremony affords the opportunity of saying a few words on a point about which, more than on any other connected with Roman ceremonial, there prevails misapprehension—the real nature and position of a Cardinal. That laymen can be made Cardinals is generally known, but much confusion of ideas exists on the nature of the Cardinalitian dignity, and of the difference of standing between Cardinals with and without orders. The Sacred College, according to a rule in force since 1585, is fixed at seventy members—divided into six Cardinal Bishops, fifty Cardinal

Priests, and fourteen Cardinal Deacons.[1] The first popular misapprehension in regard to these dignitaries is that their rank is an ecclesiastical one. The Cardinalitian title, properly speaking, is not a grade in the Church, but merely a dignity in the Court of Rome. The Cardinal is a high personage in the Pope's Court, which being strictly ecclesiastical, it is incumbent on all who are members thereof to conform, for as long as they continue so, to the garb and fashion of an ecclesiastical character.[2] For the Cardinal, as such, there is no specific ordination ;

[1] It adds much to the confusion on this subject, that this division into categories is often only nominal, a Cardinal being put by favour, or for other reasons, into an order he does not belong to. The present Dean of the College, Cardinal Mattei, for a long time figured as a Cardinal Deacon, although he had taken priest's orders. More perplexing is it to find Cardinal Priests who have never taken these orders. Such was the case with Cardinal Dandini, who, when merely a deacon, was made in 1823 a Cardinal Priest and Bishop of Osimo. 'Only nine years later,' says Moroni, 'did he take priest's orders, having in the interval taken part in three Conclaves as a Cardinal Priest, without really having that character.' Nor is this all. Moroni speaks of persons having ranked amongst the six Cardinal Bishops when they had never been more than deacons.

[2] This is the position of the lay Monsignori so plentiful in Rome. They are merely functionaries wearing the priestly dress as a uniform, and debarred from having a legitimate wife as long as they remain in their posts.

he is simply created by the sovereign. It is true that the Council of Trent, in its twenty-fourth session, ruled that the same canonical conditions required from Bishops should be incumbent on Cardinals. But this prescription has been habitually disregarded,[1] and it would seem as if celibacy were the only palpable qualification which is absolutely indispensable. Let a man have no wife living and there appears to be no tangible obstacle to arrest a Pope, if so disposed, from naming him Cardinal. It would, however, seem that a lay Cardinal becomes *de facto* so far subject to ecclesiastical discipline as to require the Pope's consent to return legitimately into secular life and to lay aside the insignia of his rank. There is a long list of Cardinals who have done so, but with the exception of rebellious ones like Chatillon, they all had sought and obtained the Pope's sanction.[2] On the other hand,

[1] To give one striking example of what liberties have been taken with this prescription, it is enough to mention the case of Don Luis of Bourbon, who in 1735, when only eight years old, was named Archbishop of Toledo and Cardinal by Clement XII. Even the stern Sixtus V. was not immaculate on this score, for he made a Cardinal of his nephew Alessandro Damasceni Peretti, as a youth of fourteen.

[2] In Crétineau Joly's edition of Consalvi's Memoirs, there is a French version of a letter written by Pius VI.

the instances on record of Cardinals who were relieved from their ecclesiastical obligations are extremely curious, and testify strikingly to the wonderful elasticity in the regulations of the Church. These dispensations constitute a highly instructive, but also a little read chapter in the history of the Romish organization. Cardinals even in orders have repeatedly been permitted to divest themselves of their dignity and to marry; but in every such case well-defined political influences appear to have been the predominating cause that induced the Pope to concede the favour. Thus in 1588 we find Ferdinand Medicis authorized to throw off the purple, and become Grand Duke of Tuscany; in 1642 Cardinal Maurice of Savoy to take a wife and a duchy; in 1695 Cardinal Rainaldo of Este to make the same change in his condition. On the death of King Ladislas of Poland, his brother Casimir,

to Cardinal Altieri, when he insisted on throwing off the purple, wherein the Pope gives it as his opinion (subject to correction, as writing from prison, and without the means to consult the canonical authors), that a Cardinal has not the power to divest himself of his faculty of Papal Election, that faculty being *summæ publicum.—Mém. du Card. Consalvi*, t. i. p. 203. The editor says that the original draft of this letter is in his possession.

a member of the Society of Jesus, and named Cardinal in 1646, received a dispensation not merely to abandon the purple, but also to marry the King's widow, his sister-in-law, Mary Gonzaga. Still more astonishing were the favours conceded to two brothers of this lady's house. To prevent extinction of the family, Paul V., in 1615, permitted Cardinal Ferdinand Gonzaga to go back into the world. On this change he became enamoured of a woman of inferior rank, Camilla Erdizzani, and married her; but becoming afterwards tired of his wife, he sought and procured the Pope's authority for repudiating her, when he espoused Catherine Medicis, daughter of Duke Cosmo II. But there was at the same time, a second Cardinal Gonzaga—Vincenzo, the brother of Ferdinand,—and he also succeeded in obtaining permission to give up the Church for the sake of indulging his passion for a kinswoman, Isabella Gonzaga.[1] In all these

[1] A very remarkable dispensation was granted by Alexander III. for the express purpose of preventing the extinction of the Giustiniani family, then reduced to one male member, Niccola Giustiniani, a Benedictine monk who has since been beatified. In virtue thereof Niccola left his convent, married the daughter of the Venetian Doge Micheli, and when he had begotten a

cases, however, it is clear that some orders had been taken; and therefore, in the strict sense of the term, these Cardinals were no longer laymen. The real state of the case is that the rank of Cardinal is, as every degree in the Pope's Court should strictly speaking be, ecclesiastical, though it is no sacred order, but that practically it has been conferred on laymen by the intervention of a fiction like that invented to make

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sufficient number of sons to secure the continuation of the line, went back to his religious profession. A yet more singular example of the length to which a Pope may venture on stretching his assumed authority to dispense from the observance of the fundamental rules of morality, would seem to be furnished by Spanish history. Henry IV. of Castile had no children by his wife, Dona Blanca of Arragon, sister to Ferdinand the Catholic. Being desirous of having offspring, he sought the Pope's dispensation to marry another wife, and obtained it, but with the extraordinary condition that if no children were born from her within a fixed term, then King Henry must separate from his second spouse and return *to the original one*. This second wife was the Infanta Juana of Portugal. The appointed term passed without any offspring having been actually born, but shortly after there came into the world a girl. This girl King Henry declared legitimate, and his heir; but on his death his sister, Isabella the Catholic, successfully disputed the succession on two grounds,—that Dona Juana was no child of her brother's, but of a certain Don Beltran de la Cueva, and that having come into the world at the period she did, she never could claim to be legitimate, inasmuch as the marriage had

Protestants capable of wearing the cross of St. Louis in France, which was given only for ninety-nine years to heretics, who forfeited it, if still unconverted at the end of that period. Laymen were named Cardinals only for twelve months, being bound within that period to take Deacon's orders; but then the same plenary power which elevated them could extend its favours to an indefinite renewal of the expired dis-

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then ceased to be valid. This disputed right reacted on Charles v., if we can trust a State-paper recently recovered out of the dusty records of Simancas, by weighing among the grounds that induced him to wed the Portuguese Infanta Isabella, with the view of conciliating the friendship of the King of Portugal, under whose protection the disinherited Dona Juana was then still living.—See Bergenroth, *Calendar of Negotiations*, vol. ii. p. cxxvi. and p. 396. [See Appendix A.]

Amongst the curiosities of Papal history that are little borne in mind, is the fact that the chair of St. Peter has been occupied by father and son—Pope Silverius (536) having been son to the canonized Pope Hormisdas. In this instance the Pope had become a widower before election. But in the third portion of the *Annales Bertiniani*, written by the celebrated Archbishop Hincmar, and to be found in Pertz, *Mon. Germaniæ*, vol. i., there is given an account of the abduction of the daughter and the *wife Stephania of Pope Adrian* in 868—that is to say, a period to which the Archbishop was a contemporary witness. The story is narrated with much detail, and with the names of all the parties implicated.

pensation at the end of each year. By the Bull of Pius IV. it was, however, distinctly ruled that no Cardinal still a layman should exercise the privileges of his dignity in Conclave. To be entitled to vote in the election of a Pope he must have taken deacon's orders, and this rule has been observed in practice until in Rome it is the general off-hand statement that this is laid down in canon law. But here we find, on going to the fundamental authorities, that, as is so often the case in matters connected with the subject of Conclaves, the current version is not accurate. In Gregory XV.'s (1621) elaborate Bull and Ritual, which are at the present moment the ruling statutes for Papal elections, it is distinctly laid down that this exclusion is only against such lay Cardinals as may not be furnished with a specific Papal dispensation. The power of especial favour here recognised has not been exercised generally, and it may be practically correct to say that lay Cardinals have, as a rule, to take orders before being admitted to a Conclave. In this century, this was certainly the case with Cardinal Albani, who became a deacon only when in 1823 the Pope's death offered the opportunity of

giving a vote.[1] One instance of a lay Cardinal admitted to Conclave did, however, certainly occur when Sixtus V. was elected. The Cardinal Archduke Albert (who eventually married) arrived in hot haste from Innspruck, and having exhibited his license from the late Pope, was permitted to co-operate with his fellow-Cardinals in giving a new chief to Catholic Christendom, although, as is explicitly stated, he never had taken any orders. At the present moment there are no lay members of the Sacred College; but this is so only since, quite recently, the reigning Pope expressed his desire that those amongst the Cardinals who had not taken deacon's orders should do so.

A freshly-named Cardinal is subject to a form of novitiate, during which he is technically said to be *cum ore clauso*, being invested with the symbols of his rank, but precluded

[1] Cardinal Albani's proceedings are recounted in the following way by Crose, Sardinian Envoy to Rome, in a confidential despatch:—'Another historical observation is supplied by Cardinal Albani, who at the period of Conclave was not yet ordained. Until then he had always expressed an intention to abandon the purple and to marry, with the view of not letting his most noble family become extinct. While in this state of hesitation, he had always obtained from the Pope a prolongation of the terms within which he had to come

from uttering an opinion on, or taking an active part in, any matters falling within a Cardinal's sphere, until he shall have been relieved from apprenticeship by the Pope *solemnly unsealing his mouth.* Of late this phase of preparatory state has in practice been reduced to a mere form—the *closing* injunction and the *opening* confirmation in full rights being performed in one consistory. Still, this is as yet an innovation, without written authority, and a return to stricter observance of primitive custom is at any moment quite possible. At the time when this novitiate was a reality, it was a matter of importance to decide whether this limitation of powers in a Cardinal actually created could extend even to the suspension of the franchise belonging to his rank in the event of the Pope's demise before his mouth had been solemnly unsealed. Eugenius IV., by a

to a decision; but it happened that this term would have expired just during Conclave, so that he would have been obliged to go out of it, inasmuch as, during the vacancy of the See, there existed no authority which could renew the requisite authorization. From a sense of this, Cardinal Albani made up his mind to become Sub-deacon on entering Conclave, and thus he was qualified to exercise his influence on behalf of the Imperial Court.'—Bianchi, *Diplomazia Europea in Italia*, vol. ii. p. 389.

Constitution, prohibited Cardinals in this state from taking part in elections; but that prohibition was repealed by Pius IV., and the question must be considered absolutely set at rest by the confirmatory ruling of Gregory XV., that every *promulgated* Cardinal (in distinction to those *in petto*) has an inalienable right to participate in Conclaves, which ruling has been confirmed by the circumstances that marked the Conclave convened on the death of Clement IX. in 1670. At that moment there were seven Cardinals *cum oribus clausis*. All went into Conclave, and one of their number, Altieri, came out of it as Pope. The condition of Cardinals *in petto* is altogether different. Nothing can indeed be conceived more anomalous than the status of Prelates who in principle must be considered Cardinals, because mentally promulgated by a Pope, while yet liable to pass their lives in ignorance of their own eminence, should the same Pope either change his mind or die without having made a record of the names of those he has inwardly appointed Cardinals, as a direction for the honourable obligation of his successor. It appears that at one time the

Popes used to name Cardinals in private when it was thought that their public promulgation might be attended with injurious consequences. In these cases, however, the Cardinals in Consistory were informed by the Pope of the names of those whom he designated for participation in this honour. Consequently, there was here an established clandestine concert amongst the principal parties interested in the matter, so that the secret was one only against the outer world. Nevertheless it was ruled that a nomination of this nature did not suffice to entitle an individual to act as Cardinal. On two occasions Martin v. made such nominations, admitting duly the Sacred College to a knowledge of them. Yet when, on the Pope's decease (1431), Dominic Capranica, one of the prelates so named, in the name of himself and his companions, claimed the right to take part in the Conclave, the claim was rejected, though the authenticity of the alleged nomination was not disputed. This precedent was rendered the more conclusive for the indispensable necessity of a promulgation in public to constitute a full Cardinal, that Martin v. shortly before death had held

a Consistory, wherein he recalled to mind the fact of his secret nominations, and specially enjoined the Cardinals to admit those included in them to all the privileges of their quality. In the face of this solemn injunction the Cardinals nevertheless refused to recognise the right to vote of the prelates in question, and their decision was confirmed in a constitution by Eugenius IV., the Pope next in succession. Still there is an affirmed instance of an unpromulgated Cardinal having been admitted, through special protection, to a Conclave. Frederick Sanseverino, created by Innocent VIII. in secret, obtained the privilege of voting for Alexander VI. through the intervention of Cardinal Sforza; but this occurrence is only another example of the reckless license prevailing in these times. When, in 1550, on the death of Paul III., Bernardino della Croce, named, but not promulgated, Cardinal, demanded to exercise his supposed right, the claim was absolutely repudiated; and the decision in this instance seems to have finally put a stop to the habit of going through the process of a clandestine nomination, instead of which the Pope since has adopted the practice of merely intimating to

the Cardinals in Consistory the fact of his having mentally resolved on a stated number of promotions, but without making any intimation of the names, the only apparent effect of which announcement being to limit the range of this Pope's power of creation, inasmuch as those whom he has announced to have reserved *in petto* are thenceforth counted in the number of the Sacred College, and therefore swell its ranks by so much. It is indeed the custom for the Pope to write down in sealed papers the names of those whom he has mentally promoted, and the same custom makes it usual for the successor to fulfil these intentions should death have intervened to prevent their execution by his predecessor. But both this writing down of names and the observance of a predecessor's expressed wishes are quite arbitrary, and there are well-established precedents of Cardinals *in petto* who never were promoted into the full-fledged state.[1]

[1] It has been reserved to Pius IX. to furnish a case in the history of Cardinalitian nominations that is unique. It has never been before known for a nomination not to be executed after the Pope has gone so far as formally to intimate by letter to an individual his intention to make him Cardinal at the next promotion. Yet this is what happened to the illustrious Rosmini,

A Cardinal's right to record his vote at Papal elections is regarded as so sacred that it has been guarded by perfectly exceptional provisions, such as seem to constitute in canon law the single limitation set on the Pope's plenary authority. It has been distinctly ruled that no censure, suspension, interdict, nor even *excommunication*, can involve forfeiture by a Cardinal of his right to exercise this specific privilege of his order. There is no more startling provision in the whole Roman organization; indeed it is so startling that many Catholics will be disposed at the first blush to doubt its authenticity. Yet does this enactment stand not merely as an obsolete curiosity on some forgotten page in the statute-book; Roman Curialists hold it to be still in full force, and when the last case in point occurred, in 1740, with Cardinal Coscia, it was invoked, and strictly acted upon without discussion.

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certainly the most distinguished man whom the Church has produced in Italy in this century. He received the Pope's formal intimation of his promulgation, and was directed to make the preparations for his public reception, when the efforts of the Jesuits succeeded in defeating the nomination and in initiating a course of persecution, which ended in the inclusion of Rosmini's book, *The Wounds of the Church*, in the *Index*.

The principle dictating this provision is to be found in the feeling (very natural in times of bitter feuds) that, unless this particular privilege of Cardinals were set beyond the reach of confiscation, a Pope of strong partisan views would have only to impose from his plenary authority ecclesiastical penalties to disable Cardinals of a faction opposed to his own from having any weight in the choice of his successors. Nor were such apprehensions without their warrant in facts. Like all the organic laws concerning the mode of Papal elections, this provision was due to no abstract theory, but was simply the outcome of a want that had been practically encountered. On the 10th May 1297, Boniface VIII., blinded by furious passion against the house of Colonna, excommunicated and *degraded* from their rank the Cardinals James and Peter Colonna, declaring them stripped of every privilege appertaining to their dignity. The extraordinary severity of a sentence, manifestly imposed by the bitter hatred of family feuds, because not justified at the moment of promulgation by adequate canonical delinquencies on the part of these prelates, produced a profound sensation. It was evidently

a point of principle with Boniface VIII. to wield his power for extermination of the Colonna influence, if not for the actual extinction of the race. Solemnly degraded from their rank, these Cardinals, on the death of Boniface, found themselves excluded from the Conclave, and vainly sought from his successor restitution to rights which they declared to have been taken away in defiance of justice. The consequence was a protracted state of angry feelings, rendered formidable by the material power of the malcontent Colonnas, and accompanied by muttered protests against the canonical legality of a situation in which dignitaries of the Church were arbitrarily deprived of their inherent prerogatives. A sense of the danger to be apprehended from the recurrence of arbitrary acts of the same nature was awakened. It was felt that a Pope of headstrong passions like Boniface VIII. must absolutely be precluded from exposing the Church again to grave peril for the sake of purely personal hatreds and ambitions. Accordingly, just thirteen years after the memorable degradation of the Colonna Cardinals, a Bull in reference to Papal elections was issued by Clement V.,

in which the following most remarkable clause was inserted:—'But in order that, as concerns the before-mentioned elections, dissensions and schisms be so much the more avoided, as the occasion for dissent is removed from those elections, we decree that no Cardinal may be expelled from the said elections on the ground of any excommunication, suspension, or interdict whatsoever.' The provision thus made has been subsequently confirmed by Pius IV. and Gregory XV. in so full a manner as to remove all ambiguity on this head, for not only have those under sentence been declared relieved at election times from the disabilities involved thereby, but, what was quite as necessary, their colleagues were dispensed, during this interval, as regarded the case in point alone, from the obligation to hold no intercourse with excommunicated and censured individuals. There are instances of Cardinals who, since this enactment, have undergone extreme penalties, even decapitation; but we know of no instance in which this particular provision in regard to the indelible right of franchise has been set at nought. In the time of Leo X. several Cardinals were convicted of a conspiracy against

his life. Of these, one, Cardinal Petrucci, was strangled in the Castle of St. Angelo on the 6th June 1517; while Cardinals Saoli and Soderini were indeed degraded, and declared stripped of both *active* and *passive* voice in a Conclave—that is, of the power of either *voting* or *being elected;* but this sentence was cancelled before the Pope's demise tested its validity. Under Leo's successor Cardinal Soderini again stood convicted of conspiracy, and was imprisoned in the Castle of St. Angelo; but on the last day of the Pope's obsequies he was let out by the Sacred College, and gave his vote in Conclave for Clement VII., by whom then he was restored to all the honours of his rank.[1] But the ruling case on this head

[1] The case of Cardinal Soderini is doubly important, because Adrian VI. tried to enforce his authority for proclaiming exclusion, and the attempt, though made with the exceptional solemnity of a Pope speaking from his deathbed, was disallowed by the Cardinals. 'The last official act of Pope Adrian was that, almost at the hour of his death, he gave a Bull *motu proprio*, ordering that the Cardinal of Volterra (Soderini) should on no condition be released from prison. The College of Cardinals, however, which had not shown much respect for his lawful orders whilst he was alive, entirely disregarded his commands, which were of very doubtful legality, when he was dead. The prison of the Cardinal of Volterra was opened, and it was he

is that of the notorious Cardinal Coscia, who, under Benedict XIII., wielded the whole power and dispensed the whole patronage of the State. On this Pope's death, his favourite was so universally an object of detestation, from his iniquitously corrupt proceedings, that he fled from fear of popular vengeance to Cisterna, then, as now, the family seat of the Duke of Sermoneta, who, in a letter to Cardinal Barberini, preserved in the Gaetani archives, describes him to have arrived more dead than alive from fright. Under the protection of a safe-conduct from the Sacred College, Coscia stole back into Conclave. The new Pope, Clement XII. (Corsini), was unable to withstand the clamour of denunciation which from all sides was raised against this member of the Sacred College. Cardinal Coscia was brought to trial for fraud, malversation, and peculation of the most scandalous kind; the charges were fully established, and he was sentenced to a fine of 200,000 crowns, to ten years' close confinement in St. Angelo,

who said the Mass of *Spiritus Sanctus* on the 1st of October, when the Cardinals were entering the Conclave.' Bergenroth, *Calendar of Letters relating to Negotiations between England and Spain*, vol. ii., Introduction, p. clxxviii.

deprivation of his See of Benevento, and to absolute degradation from the rank and privileges of the Cardinalate. Before long the Pope felt misgivings about the sentence so pronounced, and wrote a Chirograph, bearing date 11th December 1734, to regulate and modify the conditions of Coscia's penalties. This Chirograph will be found in a volume[1] of manuscript documents in the Corsini Library, relating to the Conclave held on the Pope's death, which is manifestly composed of papers that belonged to the Cardinal-Nephew of Clement XII. There does not exist a more remarkable Papal utterance than this document, wherein the Pope explains fully the afterthought that induced him to revoke his first sentence as objectionable, if not actually faulty in principle, in spite of his having pronounced it, as he admits, with the deliberate intention of cancelling the binding force of previous Papal edicts of limitation. That a person labouring under such grave convictions as Coscia should have part in creating a Pope was contrary to propriety; therefore, said Clement XII., it had been originally pronounced that every election in which he

[1] Vol. 1615 in Catalogue of MSS. in Corsini Library.

intervened should be *ipso jure* null and void, 'every power and faculty being taken away of calling the said Cardinal Coscia to give his vote in such election on the ground of any claim or motive specified in canon law, or in virtue of any constitution whatsoever of Pius IV., Gregory XV., and other our predecessors.' A more carefully worded expression of Pontifical plenitude, so as to effectively override every apparently opposing enactment, cannot be conceived. Yet Pope Clement goes on to state that, having reflected on the grave consequences that might follow on such annullations and invalidations, he feels himself bound to put forward the declaration that he did not in any way pretend of his authority to impugn the validity of a yet future election. 'Wherefore,' writes the Pope, 'we declare that never has it been our wish or intention to prejudice the canonical election of our successor, or the supreme dignity and authority of the Church, which, after our demise, shall be lawfully vested in the person of him who has been chosen with the accustomed forms, it being neither according to reason nor equity that the transmission to his person of a penalty attaching to the delinquent be

assumed capable of occurrence, and that injury should befall the freedom and union of the Apostolical College in its so needful mystic body.' By this Chirograph the Pope accordingly abrogated the sentence striking with invalidity an election in which Coscia took part, with the proviso, however, that an election, to be canonical, must not gain its obligatory majority of two-thirds by his individual vote; and that during his ten years of strict confinement this Cardinal's electoral privileges should be restricted to voting, and not entitle him to obtain the suffrages of the Sacred College, because it would be unseemly to consider eligible for Head of the Church an individual let out of prison only for as long as Conclave lasted. This is what happened, therefore, on the death of Clement XII. In the same volume containing this Chirograph, there is the autograph letter of Cardinal Coscia, dated the 6th February 1740, from the Castle of St. Angelo, and written to the Cardinal-Nephew of the late Pope, in which he claims to be set free for admission to Conclave, a request which was at once conceded. The President de Brosses, as he was going home from witnessing the procession of the Cardinals walk-

ing to Conclave, met 'Coscia in the shut chariot of Cardinal Acquaviva, who had been to fetch him from prison in the Castle of St. Angelo, and was taking him to his cell.'[1]

The precedent furnished by this case has never been reversed, although sentences of degradation have since been launched against Cardinals. In a secret Consistory of the 13th February 1786, Pius VI. suspended and declared stripped of *both active and passive voice in Papal elections*, 'Cardinal Rohan, for having violated his duties by acknowledging the jurisdiction of the Parliament of Paris, a lay tribunal,[2] unless within six months he exculpated himself before the Holy See for this dereliction of his obligations. Far more sweeping and absolute was the condemnation pronounced by the same Pope, on the 26th September 1791, against Cardinal Lomenie de Brienne, for having sworn the civil constitution of the

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1 'Coscia, Minister under Benedict XIII., meriting the gallows, condemned to imprisonment for life in St. Angelo, where, it is said, he throve wonderfully, because it cost him nothing, and he was hoarding money,' is the character given of this notorious Cardinal by the President.

2 In the matter of the Diamond Necklace.

clergy that had been voted in France. He was pronounced to be a schismatic, and as such perjured, degraded, and wholly stripped of all his dignities and privileges. But it happened that both these Cardinals died before there had been any opportunity for testing the validity of these sentences to disable them from admission at election time to the exercise of indelible rights. The stormy days in the wake of the French Revolution furnished also some instances of Cardinals smitten with the prevailing passion for repudiating old-fashioned institutions, and indulging in a display of new ideas. During the heyday excitement of a republic that seemed triumphant on the Capitol, two Cardinals, of whom one belonged to a great and princely family in Rome, thought it good policy to turn their backs on what looked like a foundering fortune. In March 1798, Cardinal Altieri wrote to the Pope expressing his wish to divest himself of the purple, on the ground of a growing sense of bodily infirmities. But Pius VI., who knew that other motives prompted the unusual application, addressed a letter to the Cardinal, remonstrating against his setting an example of faint

hearted desertion. Before this appeal reached Cardinal Altieri, he had, however, already taken an irrevocable step, by sending his absolute renunciation of the Cardinalate to the Pope, in imitation of Cardinal Antici, who, on the 7th March, had done the same in two letters, one addressed to the Pope, and the other to the *two consuls* of Rome. Still Pius VI. declined to accept these renunciations. He persisted to regard the two renegades as still Cardinals, and canonically not relieved from their obligations, until the consideration of the consequences that might follow from their claiming, in virtue of this refusal on his part, to take part in the Conclave, induced him from his prison at the Certosa, by two briefs of the 7th September 1798, to declare Altieri and Antici, on their own renunciation, stripped of all the privileges and rights appertaining to their former dignity, especially of any voice, active or passive, in Papal elections. The Pope's decisive step was brought about mainly by Cardinal Antonelli's energetic representations. Altieri died soon after, in 1800, without seeing any turn in Pontifical fortunes which might have made him regret his step as hasty.

Not so Antici, who not only witnessed the restoration of Pius VII. to his dominions, and of the Sacred College to its good estate, but when he looked on all this pleasant recovery, desired himself to participate in it. On the death of Pius VII., Antici addressed the Sacred College to be admitted to the Conclave, on the plea that his privileges had been merely superseded. The request was at once rejected, and Moroni says that the letter written in reply to the communication of this decision was signed Thomas Antici, *late Cardinal.* He ended his days in obscurity at Recanati. There is still another important instance of a Cardinal who, in this century, placed himself in opposition to the Pope, and thereby became the object of proceedings on the part of the highest ecclesiastical authorities. The well-known defender of royalist principles in the French National Assembly, Abbé Maury, was created Cardinal in 1794, and Bishop of Montefiascone in the Papal States. He attended the Conclave in 1799 in Venice, where, on the testimony of Consalvi, he had much to do with bringing about the election of Pius VII., to whom he was afterwards accredited as envoy by the then titular Louis XVIII. of

France. The assumption of the Imperial Crown by Napoleon made a conversion of this, up to that moment, fanatical royalist. Having gone to Paris in 1806, he courted the new sun with so much effect, that in 1810 the Emperor conferred on him an uncanonical nomination to the See of Paris, which the Cardinal accepted, distinguishing himself as a fiery advocate of the Imperial Government in all its discussions with the Holy See. His conduct on this occasion was certainly that of a priest who defied his ecclesiastical superior. On the Restoration, Cardinal Maury was ejected from the Paris See he had usurped. He went then back to Italy, but Pius VII. deprived him likewise of his old See of Montefiascone, and forbade him coming into his presence, or appearing at any Consistory or Congregation of which he had before been member. Maury took all these sentences very quietly, and coolly dwelt on in Rome, until, in March 1815, the Pope left the city in consequence of Napoleon's return from Elba. Then Cardinal Maury likewise abandoned the reserve he had hitherto observed, and manifested political feelings, which induced the Junta left behind by Pius VI. to seek the Pope's

permission to lay hands on the Cardinal; and he was accordingly arrested and lodged in St. Angelo. Here he still sat, when the Pope came back and instructed his Secretary of State, Pacca, to take the necessary steps to proceed criminally against the seditious Cardinal. For this purpose a special Congregation was appointed, and began to investigate the case, when suddenly the proceedings dropped by sovereign injunction, and the prisoner left the castle restored to all the privileges of his rank, and admitted to take part in those consistorial and other duties from which he had before been steadily excluded.[1] He died in 1817—that is, before another Conclave.[2]

With such precedents, it might have been

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[1] It is evident that we do not know the secret motives which brought about this mysterious change. Moroni would seem to hint at some action of Consalvi in the cessation of all proceedings. See the *Dizionario Storico Ecclesiastico*, sub voce MAURY. This bulky Encyclopædia (103 volumes) is a crude jumble of good, bad, and indifferent matter; but it is of value in so far as it may be regarded to express what are considered in Rome to be orthodox views on the topics treated.

[2] The latest case of a Cardinal divesting himself of the purple occurred in 1838, when Cardinal Odescalchi insisted on entering the Society of Jesus, and would not be content until the Pope in Consistory had acquiesced in his ascetic desire to abandon the purple.

deemed that the fact of a Cardinal's privilege of franchise being beyond any Pope's power of confiscation was irrevocably determined. Every sacred guarantee conceivable against the arbitrary action of an authority which claims to be above limitation might well have seemed to surround this point of law, that a Pope, though perfectly empowered to interdict, excommunicate, degrade, and even send to the scaffold a Cardinal, was absolutely debarred from depriving him of his prerogative to vote at a Papal election. It must therefore be the subject of no small surprise that this apparently inviolable principle should have been completely set aside in the Papal Brief of the 29th September of this year, against Cardinal Andrea. Although it would be out of place, in these pages, to enter into the controversy as to the canonical validity of the course pursued against this Cardinal, the precedent which would be established by this Papal statute, if finally accepted and acted upon, involves so great an innovation on what hitherto has been held the law in regard to the degree in which Cardinals can be dependent for their prerogatives on the Pope's mere goodwill, that it is necessary here to state the bare facts of

the case. Cardinal Andrea, who is, or at all events was, Bishop of Sabina, after having vainly sought several times the Pope's consent to his going to his native city, Naples, on the ground that impaired health required this change of air, finally went thither, in June 1864, of his own authority. This step was branded in Rome as an act of illegal flight and desertion, and after minor preliminary proceedings, the Pope, in a Brief of 12th June 1866, suspended Cardinal Andrea, in his quality of Bishop, from his See, on the ground of insubordination and a violation of his official oaths. Against this sentence Cardinal Andrea, on the 6th July 1866, protested from Naples, in an appeal addressed to Pius IX., and made public, wherein he 'respectfully and solemnly appealed to His Holiness *melius informandus*.' If the Cardinal was ever sanguine enough to think that the pleas put forward by him in this appeal would have any effect in making the Pope pause in his proceedings, this expectation must have been rudely dispelled. After an interchange of several more or less formal summonses and replies between the respective parties, Pius IX., on the 29th September 1867, issued a Brief, which, served on Car-

dinal Andrea the 12th October, and publicly promulgated in Rome the 4th December, declared him to have forfeited all the privileges of his Cardinalitian dignity, with the explicit inclusion of his vote, unless he presented himself in person before the Pope within three months from date of the Brief; and furthermore imposed on the Sacred College the solemn obligation not to admit the said Cardinal into Conclave, if, after continuing contumaciously to disregard this citation, he were to venture on claiming a right of franchise. The gravity of the sentence is self-evident, and without straying into the delicate region of pleadings replete with points of controversy, it is undeniable that in uttering this injunction to bind the Sacred College after his demise, Pius IX. has gone against not only historical precedent, but the explicit ruling of predecessors; and that here is a stretch of authority, which at all events one Pope acknowledged to lie beyond the attributes of his power, after having himself sought to assert the same. The reader will call to mind the declaration of Clement XII. in the Chirograph whereby he repealed his own sentence of exclusion from Conclave against Cardinal Coscia, on the

ground that, in having pronounced this, he had practically presumed on assuming a power of control over 'the freedom and union of the Apostolic College in its so needful mystic body.' In other words, Pope Clement recognised a divine instinct resident in the Church as ever embodied in its living representatives, which it must be beyond the legitimate authority of a Pope to presume on superseding and controlling from out of his grave in virtue of some decree of his own. This power of supersession and control has now however been laid claim to by Pius IX. in this noteworthy Brief, which must be held to mark an epoch in the discipline of the Roman system, and in the development of Papal autocracy, if the dictatorial sentence promulgated in it for Cardinals assembled in Conclave comes to be really accepted by them as of binding force.[1]

[1] The unexpected return of Cardinal Andrea to Rome in obedience to this citation, has reduced the scope of the issues immediately under adjudication. Still, the whole transaction is calculated to effect so great modifications in the hitherto received system of discipline, that we refer the reader to further observations on it in Appendix B.

VII.

AS the Quirinal Palace contains only one chapel, the Paolina, this has to be arranged so as to serve the Cardinals both for mass and voting. The balloting accordingly takes place in the presbytery, in front of the altar, the floor of which, covered with a green carpet, is brought on a level with the base of the pontifical throne, which is removed; while on the Gospel side of the altar a chair is put for the new Pope from which to receive the adoration of the Cardinals immediately after election. Inside the railing of the presbytery are the seats of the Cardinals, each with a canopy of green for those of older date, and of violet for those created by the late Pope. As soon as an election has taken place, these are lowered; the canopy over the new Pope remaining alone aloft. Before each Cardinal is a table, with all the materials required for writing and register-

ing his vote, while in the middle six similar tables stand apart for those Cardinals who may fear being overlooked if they wrote and folded their ballot-papers at their own stalls. On the Gospel side the Cardinal Dean occupies the first seat, being followed by the others in the order of precedence, so that the senior Deacon sits opposite to him on the Epistle side of the altar, in front of which is a large table, with the chalice serving as a ballot-box, while at the back is the fireplace, wherein, after an inconclusive ballot, the papers are burned, whose smoke, issuing through the chimney, is watched for at a set hour by the crowd on the Piazza as the signal that Rome is still without a Sovereign,—the Church still without a Head.

The ingenuity of some ecclesiastical antiquaries has amused itself in fancifully recognising infinite variations in the modes of Papal elections. But even if warranted in fact, these distinctions must be held to be without any living value, for the Bull of Gregory XV., which is the capital statute on the subject, explicitly declares that there are only three modes in which a Pope can be lawfully created: by *inspiration*, by *compromise*, and by *ballot*. The first, which re-

quires that, spontaneously, without any kind of previous conference, all the electors of one accord should simultaneously proclaim the same individual, may be dismissed without further comment as an altogether ideal conception,—in spite of ecclesiastical writers giving a list of Popes created by this process.[1] Of much greater practical importance are the conditions regulating the second form, which we have seen was invented by

[1] Gregory VII., Clement VII., Paul III., Julius III., Marcellus II., Paul IV., Pius IV., Pius V., figure on this list, which confounds acclamation, such as might follow discussion, with the little short of miraculously spontaneous unanimity exacted by canonical prescriptions, for an election by inspiration. The following will show, for instance, what kind of inspiration was at work in the case of Clement VII. :—'At last Cardinal Colonna was won over by the united efforts of the Duke of Sessa *and of the Cardinal di Medicis.* After having arranged his tactics with some of his friends, he suddenly rose on the night of the 18th of November, and exclaimed in a loud voice, "All who wish to have Julius for Pope, and to preserve the unity of the Christian Republic intact, follow me!" The Cardinals, surprised by this appeal, discontinued their disputes, and, after a short deliberation, the Cardinal di Medicis was elected Pope *"by the inspiration of God."* That God had inspired his election,' the author of the protocol of the proceedings in the Conclave observed, 'was clear, as neither the Emperor nor the King of France had been able to influence even such Cardinals as had their bishopries in their States.'—Bergenroth, *Calendar of Neg. between England and Spain,* Introduction.

the instinct of the Church as a means to put an end to the intolerable state of affairs which weighed upon it in the interminable Conclave held at Viterbo. The expedient of delegating to a small committee of Cardinals the power which the whole body found itself too much torn by dissension to exercise, has been resorted to on several occasions, and is still considered in Rome as not obsolete. The most memorable instance of its application was furnished when the impossibility for the Cardinals assembled in 1304 to agree on a candidate induced them to intrust the election to a delegation out of their own body, which gave to the Church Pope Clement V., who then transferred to Avignon the Holy See. It is affirmed by the Cavaliere Borgia, in the life he wrote of his uncle, Cardinal Borgia,[1] that when the Conclave held at Venice, after the decease of Pius VI., reached the third month, it was contemplated to invest nine Cardinals, amongst whom was his uncle, with the duty of selecting a Pope, and that the idea was not followed up only because at the nick of time the votes of the College happily con-

[1] *Notizie Biografiche del Card. St. Borgia, del Cav. Constantino Borgia*, 1813.

curred in creating Pius VII. It is true that Consalvi's Memoirs fail in speaking to the correctness of this assertion; but as these Memoirs are avowedly but fragmentary, and even not quite free from suspicion, the absence of such confirmation in this quarter does not seem to us of itself necessarily to invalidate its authenticity. Gregory XV. has closely prescribed the form to be employed for the mode of election, but they are not of his own invention, being only an adaptation of those already contained in an ancient ritual by Cardinal Giacomo Gaetani Stefaneschi, to be found in Mabillon's *Museum Italicum*.

The ordinary election by ballot is performed by two processes repeated daily, in general,—one in the forenoon, which is a simple ballot; the other in the afternoon, which consists in the process technically called *of acceding*, whereby an elector, revoking his morning's ballot, transfers his vote to some one whose name had that morning already come out of the ballot-box.[1] Hence

[1] There is no law fixing that only one ballot of each kind be held the same day. This is a point left to the discretion of the Cardinals, who regulate their decision according as procrastination or expedition may suit best their humours. In the last centuries the prevailing practice was as stated above, but in the very latest

the designation of the supplementary ballot, for in it the faculties of electors are strictly limited to the power of adhering to some Cardinal whose name at the early ballot has been drawn. The voting papers are square and folded down, so as at each end to have a sealed portion, within the upper one of which is written the voter's name, to be opened only under special circumstances; and in the other, sealed with the same seal, some motto from Scripture, which, once adopted, must be the same at all ballots, and serves ordinarily as the means for identification of the vote. In the middle space, which is left open, stands the name of the candidate. Advancing to the altar, after a short prayer in silence, and an oath aloud, wherein the Saviour is called to witness that the vote about to be given is dictated by conscientious convictions alone, each Cardinal drops his paper in the chalice upon the altar. When all have voted, the examination of the papers is made by the scrutators, three Cardinals selected by

Conclave it happened that both parties thought expedition the best move, so that on this occasion the innovation was practised by general consent of holding a double set of ballots on the two days which the Conclave lasted.

lot, who successively hand to each other every paper, which the last files on a pin. Should a candidate come out with just a majority of two-thirds, it then becomes necessary to open the upper folded portions of the ballot-papers, with the view of ascertaining that this majority is not due to the candidate's own vote; it being not lawful for a Pope to be the actual instrument of his own creation. In the case of no adequate majority, these papers are preserved, so as to be able to check, through the mottoes, the votes given in the supplementary ballot, it being, of course, unlawful for a Cardinal to repeat a second vote in behalf of the candidate for whom he had already voted in the morning. The form of tendering this second vote is by writing '*Accedo domino Cardinali*,' while those who persist in their morning's choice insert the word '*Nemini*.' Should both ballots fail in producing the legal majority, then the papers are burnt, while in all cases the portion containing the voter's name is to be opened by the scrutators only in the event of some suspicion of fraud or of a vote being invalid, through some violation by the elector of the prescribed forms. In the Conclave of 1829

Cardinal Castiglione came out of the ballot with thirty-five votes, against twenty for Cardinal Gregorio, and twelve for Capellari, afterwards Gregory XVI. On examining the papers, the scrutators, however, found two votes dropped into the afternoon ballot with mottoes that did not tally with any amongst the morning's votes. Two Cardinals are named as suspected of having committed this act, probably with the vain hope of defeating Castiglione's election. All it effected was to vitiate the ballot of the day, and on the following morning Castiglione became Pius VIII. by an increased majority. The election of Urban VIII. was put off for a day by a yet more unworthy trick. When the papers were being looked through one was found wanting, and, although the canonical majority had been secured, the election was nevertheless void—as every Cardinal in Conclave must lodge his vote. Suspicion fell on one of the scrutators, who is believed to have abstracted the paper from the chalice, and dropped it into his sleeve, solely to prevent an otherwise inevitable result from being arrived at that morning.

The narratives of Conclaves are filled

with accounts of election manœuvres practised by plotting Cardinals with the view of bringing about, by underhand tactics, some preconcerted result. The whole system of these proceedings bears the visible impress of that cautious and cunning temperament which never operates but under a mask, and never contemplates to work otherwise than by stratagem. Of these tricks the most common—indeed so common as to be an established feature in Papal elections—is the naming of sham candidates by the rival sections.[1] The general object of this device is to elicit the exercise of the veto vested in certain Catholic sovereigns, and which can be given but once. If it be intended to carry a Cardinal known to be obnoxious to

[1] It has been gravely discussed by canonists whether, with the oath sworn by each Cardinal, it can be lawful thus from strategy to give votes in behalf of one who in conscience is not deemed worthiest—*secundum Deum eligi debere*. At the end of the article 'Elezione' in Moroni's Encyclopædia, will be found the opinion of an anonymous divine that it is not lawful to give a vote at a Papal election for one of whom it is not inwardly believed that he is worthiest, unless it be for the sake of promoting harmony in the case where it is positive that a candidate of this inferior kind is actually sure of election. A vote given under such circumstances it is laid down, would be a peace-offering on the part of him who recorded it.

a sovereign possessed of this privilege, then some other Cardinal also known to be distasteful to him, is started and pushed to the very verge of the required majority, in the hope of causing the veto to be pronounced, when no obstacle from that quarter can any longer stand in the way of the concealed candidate, who had all along been the real object of predilection. The origin of this privilege of excluding from the Papacy is involved in mystery, but its existence is formally recognised by the Court of Rome in the Crowns of France, Austria, and Spain.[1] The privilege is absolute; and its exercise is surrounded with all the accurate formality of a publicly admitted right. On the occurrence of a Conclave, the secret determination to protest against particular Cardinals is confided by each Court to some member of the Sacred College, who is trusted with the duty of making this known at the proper moment; or, in the event of a Court having no Cardinal on whose fidelity it can rely, then this knowledge is deposited with the Cardinal Dean. For a protest to have effect

[1] The Crown of Portugal claims the same right of veto, but the claim is contested by Rome.

it must, however, be lodged before a canonical majority has been actually obtained; for a Pope, once created according to the prescribed forms, cannot be unmade by the intervention of any power. So it is said that in 1823 Leo XII. owed his election to a surprise—the French Cardinals, Clermont and De la Fare, who were instructed to exclude him, having been outwitted by the stealthy suddenness of the final ballot. The latest instance of actual exclusion was in 1831, when Cardinal Giustiniani was excluded by Spain, at which Court he had been Nuncio. Moroni gives a detailed account of the proceedings observed on this occasion. The Cardinal was visibly on the verge of election; on the day's ballot he counted twenty-one votes, and it wanted only twenty-nine to secure his triumph, when Cardinal Marco-y-catalan informed Cardinal Odescalchi, nephew to Giustiniani, and the Dean Cardinal Pacca, that he was charged to exclude him by order of the King of Spain. The communication was not expected, and doubt was expressed as to the seriousness of this expressed intention. Thereupon Cardinal Marco produced a letter from the Spanish ambassador, Gomez Labrador,

dated 24th December 1830, instructing him, 'at the express order of his Catholic Majesty, to exclude his Eminence Cardinal Giustiniani from the pontifical throne.' This despatch the Cardinal Dean then read out to his assembled colleagues before proceeding to the morning ballot on the 9th January, after which Cardinal Giustiniani addressed them, expressing ignorance of what he could have done to make the King of Spain take this step, but professing to thank him for the greatest favour he could have bestowed by keeping him from the Papal throne. In spite of his professions of thankfulness at being freed from an infliction by this royal veto, it is mentioned by the Neapolitan Envoy in Rome, in a despatch written three days after his exclusion, that the effect had been to make the Cardinal take to his bed with an attack of fever.[1]

There has since been, however, yet another veto levelled, though not actually launched, which, but for the accidental circumstance of a short delay in its transmission, would have materially changed the

[1] *Memorie dei Conclavi da Pio VII. a Pio IX.* (da E. Cipolletta, Milano, 1863),—a little book with curious documents found in the Neapolitan Foreign Office.

character of recent political events in Italy, in so far as events of such comprehensive force can really depend on merely individual influences. The Court of Vienna intended to veto Cardinal Mastai-Ferretti at the last Conclave, and the Archbishop of Milan, Cardinal Gaysruck, the Austrian agent, received instructions to lodge the formal exclusion in the name of the Emperor, in the event of this prelate promising to obtain his election. The Cardinal proceeded to Rome, but arrived there the morning following Cardinal Mastai-Ferretti's proclamation as Pius IX., after one of the shortest Conclaves on record.[1] '*Semel*

[1] At the Conclave of 1823 Austria excluded Cardinal Severoli through the agency of Cardinal Albani. A despatch of the Sardinian representative in Rome, published in the valuable appendix to the second volume of Bianchi's *Storia della Diplomazia Europea in Italia*, gives very curious details of the incidents that marked this proceeding. The veto was so unpopular, that it was sought to be set aside on the plea of Cardinal Albani's not having been duly invested with the formal authority to exercise this privilege on its behalf by the Court of Vienna; so that Severoli continued to poll votes after the protest had been lodged, until Count Apponyi, then Austrian ambassador, handed in a note, the text whereof is given by the Sardinian diplomatist confirming Albani's authority. The Cardinal's exclusion was conveyed in the following terms: 'In my capacity of Extraordinary Ambassador to the Sacred College met in Conclave, . . . I fulfil the displeasing

exclusus semper exclusus' is a saying not absolutely true; for Clement VIII. had been excluded in three Conclaves by Spain, and Innocent X. was elected with a French exclusion suspended over him. As for the category of Cardinals who have the best chances of gaining the suffrages of their colleagues, there is a Roman proverb which says that three are the streets leading straight to the Vatican, those of the Coronari (rosary-makers), Argentieri (silversmiths), and Lungara (long street):[1] which is taken to mean that much outward show of devotion, expenditure of money, and an

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duty of declaring that the Imperial Court of Vienna is unable to accept his Eminence Severoli as Supreme Pontiff, and gives him a formal exclusion (*gli da una formale esclusiva*).' The party supporting Cardinal Severoli consisted of the opposition to Consalvi, the influential Secretary of State during the previous reign. His enemies were numerous and resolute. Their candidate having been checkmated by this veto, the party avenged itself by asking Severoli to indicate the man of his choice. He named Cardinal Della Genga, who was then elected and reigned as Leo XII.—the type of stupid reaction, and, as against Consalvi, the expression of unmitigated spite. Consalvi was not a statesman of a high order, but he was possessed of certain qualities of affability and knowledge of the world which raised him above the level of the dull narrow-mindedness of this bigot.

[1] There are three streets in Rome with these names.

industrious swarming up the ladder of ecclesiastical routine, are the three safest means of reaching the Pope's throne.

In canon law there are no limitations restricting the selection of a Pope within the body of Cardinals. It is true that since Urban VI., in 1378, no one below this rank has mounted the chair of St. Peter, but still it is worthy of note that this now established practice exists in virtue of no higher sanction than custom, and that there is nothing in canon law to render invalid the choice even of a layman for the Papacy.[1] John XIX. and Adrian V. were certainly laymen, and the latter furnishes the conclusive precedent establishing that a Pope acquires all the plenitude of his supreme authority by the simple act of election, for Adrian V. died without taking

[1] There is indeed a decree by Stephen III., 769, against the election to the Papacy of any one not an ordained *Cardinal*, but this decree, which was levelled against the anti-Pope Constantine, who happened to be a layman, has never been invoked on occasions when the choice of the Sacred College fell on an individual not of their body, nor is there any other pontifical utterance on record in the same sense. Moroni himself admits that John XIX. was a layman when elected, but preserves an ambiguous language in regard to the case of Adrian V.

any orders, and yet he promulgated decrees modifying the whole system of Papal elections, which, by his successors, were held to be invested with all the sacredness of pontifical utterances. Adrian V. ruled but twenty-nine days, in which interval he repealed of his authority the electoral constitution of Gregory X., which remained in abeyance until Celestine V., after six stormy elections, revived it in 1294. Undoubtedly such cases must be set down as obsolete in the concrete, yet at a critical moment like the present, when the Court of Rome is again eminently exposed to transformation, it is well to note remarkable instances of exceptional interventions which have been admitted by it, not to be beyond the pale of its principles. The restriction of a candidate for the Papal See within the circle of the College of Cardinals, has become a matter of received custom. Yet as late as 1758, in the Conclave after Benedict XIV.'s death, at several ballots votes were tendered and registered without objection in favour of the ex-General of the Capuchins, Father Barberini, who was not a member of the Sacred College.[1]

[1] See Novaes, *Storia dei Pontifici*, vol. xiv. p. 8. He

In general practice, the final ballot is a mere formality. As soon as it is perceived that a canonical majority in favour of a candidate is really commanded, the matter is made known to the opposing party, so that, acquiescing in defeat, its members may join in waiting on the future Pope the evening before his actual elevation. The contest therefore ceases habitually on the night before proclamation, and when the Cardinals, on the last morning, proceed to ballot, they do so, as a rule, with the perfect knowledge that they are going through a mere formality. Indeed, the one condition which, by canon law, renders void the election of a Pope who has obtained the suffrages of the Sacred College, brings with it that no election can be forced. It is laid down that no man can be constrained to become Pope at the bidding of the electors; his free acceptance of this dignity is absolutely necessary to render his election legitimate, and therefore it never will happen that all the labour and effort demanded for carrying a

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quotes as his authority the register of each day's voting kept by Cardinal Guadagni, and which, forming three volumes, Novaes examined in the library of the Collegio Romano.

Papal election will be expended on a subject of whom it has not been previously ascertained that he is ready to accept the position.

As soon as ever the ballot has furnished a return with a majority of two-thirds,—the scrutators have satisfied themselves, in the event of its being a bare majority, that this is not due to the successful candidate's own vote,—and he himself has accepted the choice fallen on him, the Conclave is declared at an end, the doors are thrown open to the world, and in the chapel, where all the canopies are instantly lowered, except that over the newly elected, the Pope receives the homage of the assembled Cardinals, which is called the first act of adoration. Then, from the re-opened balcony window, which has been walled up, the Cardinal Dean proclaims the new Pope, whose acclamation by the applauding Roman people is formally attested in a deed drawn up then and there by an appointed notary. Since the Quirinal has become the site for Conclaves, it has been customary to postpone the remaining ceremonies till the following day, when the Pope proceeds first to the Sistine Chapel, and afterwards down to St. Peter's, into which he is borne upon the

sedes gestatoria to receive the second and third adorations. Seated on a cushion placed upon the high altar, the Pope has his foot and hand kissed in succession by each Cardinal, whom he in return embraces on both cheeks, the Cardinal Dean opening the ceremony and chanting the *Te Deum*, while his colleagues are performing their parts. This over, the Pope bestows upon the assembled multitude his public benediction; after which he returns to his residence every inch a Pope.[1] There are, indeed, two other remarkable ceremonies of ancient origin connected with the installation of a Pope

[1] The question as to when the creation of a Pope is consummated has been accurately discussed by Catholic writers, and it has been distinctly laid down by the highest authorities that election of itself invests a Pope with plenary powers. 'Qui eligitur Rom. Pontifex,' says Bellarmine, *De Rom. Pont.* lib. ii. cap. 22, 'eo ipso sit Pont. summus Ecclesiæ totius, etsi forte id non exprimant electores.' Clement v. excommunicated those who 'asserere non verentur quod summus Pontifex ante suæ coronationis insignia se non debet intromittere de provisionibus, reservationibus, dispensationibus et aliis gratiis faciendis;' and Moroni, who enters at length upon the question, and must be considered the organ of the Court of Rome, declares that a Pope must necessarily be in possession of all his power from the instant of election, although he admits that this opinion has prevailed in the Church only since the days of Adrian v., the Pope who died a layman.

which must be noticed; but neither will be found to involve on his part any formula of oath or obligation. At an early day after election, in general on the following Sunday, the Pope is enthroned in St. Peter's, when he is crowned with the celebrated triple crown, the tiara. The ceremonies observed on this occasion are in part marked with a strange symbolism. In the Atrium of St. Peter, opposite the walled-up gate called La Porta Santa, which is opened only in the years of Jubilee, the Pope, sitting on a throne, receives first the homage of the archpriest and all the clergy attached to the Basilica. This over, he is carried in procession up the church to the Chapel of St. Gregory, which is converted into a robing-room. On issuing from it a Master of the Ceremonies suddenly steps forward, and, arresting the Pope on bent knee, holds up to him a silver rod tipped with a bundle of tow, which a clerk sets on fire from a taper in his hand, the former officer singing aloud '*Sancte Pater, sic transit gloria mundi.*' This curious bit of symbolism is repeated twice. At the high altar the Pope is clothed with the Pallium; and on the termination of mass, during which occurs the homage

of clergy of all ranks, the Pope is borne in procession up to the balcony overlooking the piazza of St. Peter, where, in presence of the assembled people, the mitre having been first removed, there is placed on his head the renowned triregnum by the second senior Cardinal Deacon, who pronounces the words 'Accipe tiaram tribus coronis ornatam et scias te esse patrem principum et regum, rectorem orbis, in terrâ vicarium Salvatoris nostri Jesu Christi, cui est honos et gloria in sæcula sæculorum.' And with this ends the coronation, after the giving of the benediction, which always follows every Papal appearance in public.[1] The other ceremony is the taking possession by the new Pope of the Lateran Basilica, the Metropolitan Church not merely of Rome,

[1] A widely accredited error is that the benediction by the Pope from the balcony of St. Peter at Easter is given *urbi et orbi*. The phrase does not occur in the ritual, and has no authority whatever. Another popular error, to be found especially in the travels of the last century, is that at the coronation service there is chanted an anthem with the words '*Non videbis annos Petri*.' A curious and little known form was, however, observed on that day until very recent times. When the Pope rose in the morning a bronze cock was carried to him in procession, to call to his mind, at that solemn moment of elevation, the frailty of which Peter was guilty, and to which human nature is exposed.

but the Universe, as stands written upon the inscription on its front. On this occasion, the Pope traverses the whole city of Rome in solemn procession, accompanied by all the Cardinals and the representatives of all the ecclesiastical hierarchy connected with the Court of Rome. Down to a very recent time it was customary for the Pope to ride a white steed, and to be escorted by the Sacred College on horseback. When Pius IX. made his progress to the Lateran, he expressed his desire to revive the practice, but the idea was abandoned owing to the remonstrances of the many very aged Cardinals, who protested their incapacity to sit on their horses for so long a ride. It was also the custom for the Jews to line the portion of the way between the Arch of Titus and the Colosseum, and there to present in sign of homage a copy of their law to the Pope; but since Pius VI.'s time they have been dispensed from this service. The ceremony in the church itself offers nothing that calls for special observation. It is simply an act of taking possession, unaccompanied by anything which implies a conditional tenure dependent on the observance of certain specified and defined vows.

VIII.

IN the controversy waged as to what Pius IX. should have done in regard to recent events, the advocates of a policy of acquiescence in what befell his temporal estate, have been freely met by the assertion that as Pope he was bound by oaths which absolutely interdicted his doing so. On looking into the matter it will appear, however, that this is not correct. Whatever oaths Pius IX. took were sworn to by him freely, and of his own accord, in the plenitude of his authority, and not at all as conditional to his acquisition thereof. Cardinals are invested with the *berretta* only, after having repeated a prescribed oath, but no Pope is subjected to any oath whatever, on being elevated to his supreme dignity, and if, at a later moment, it has been customary for

Popes to swear the observance of certain ancient Constitutions, there is nothing to distinguish between the binding force of these oaths, and those which Popes are not only universally held to be able to absolve themselves from, but from which, in regard to the particular points under discussion, they have actually on several occasions dispensed themselves.

It is a received custom for Popes to swear the observance of certain Bulls and Constitutions—amongst which is one having special reference to the preservation free from waste of the endowments of the Church,—but these oaths are taken of their own free will, and in the exercise of their absolute powers, and by no means as indispensably conditional to their legitimate acquisition of full Pontifical authority. Soon after election the Pope holds habitually a Consistory, but there is no fixed period within which it must meet. Its convocation depends on his pleasure, and generally happens not more than two months after accession. On this occasion the new Pope has been in the habit to record his solemn adherence to divers regulations and instructions that have emanated from various predecessors, amongst

which are to be particularly named a Bull by Julius II. declaring *ipso facto* void a Papal election due to simoniacal practices, and a Bull by Alexander VII. against the alienation of Church property. This is the instrument that has been invoked with so much pertinacity by those who affirm that, in the matter of his temporal estate, the Pope is bound by ties that absolutely deprive him of all power to make any surrender of dominions he has succeeded to. We believe that it requires only to look a little into the history of this celebrated Bull to be convinced that there is no foundation for the exceptional sacredness thus ascribed to it, and which, if real, would at once limit the Pope's avowedly unbounded dispensing power.

The Bull of Alexander VII. does not profess to be an original statute, but merely a revival and confirmation of enactments by former Popes that had been either repealed or lost sight of, and the texts whereof are incorporated at length in this deed. The first of these instruments, and therefore the groundwork of the whole Bull, is one issued by Pius V. in 1567, which begins by expressing grief that 'divers persons too ambitious and covetous of rule' should have

ventured to inveigle several Popes by false suggestions of policy into the step of infeoffing, under various titles, possessions belonging to the Church, whereby these had become virtually alienated, to the signal impoverishment of that institution. Desirous to remedy this state of things, Pius V., as he goes on to say, had taken counsel with the Cardinals, who unanimously had sworn not only to observe the present Constitution, but also 'neither to assent to any Pope attempting alienations contrary to its tenor, nor to seek or *accept* any dispensation from the oath they themselves had sworn thereto.' Accordingly he proceeded to declare and pronounce all such infeoffments, grants, or alienations of Church possessions null and void, any persons guilty of counselling such hereafter, on any pretext, even of 'necessity or manifest utility,' incurring pain of excommunication by that fact; and to invest this Bull with the highest character of sacredness, the Cardinals present in Consistory swore to it by proxy for their absent brethren, while it was also expressly ordered that this same oath should be administered to all future Cardinals *before* receiving the hat, and that it should be

added to those taken by the Sacred College before entering a Conclave. Moreover, it was enjoined that a new Pope, 'after his accession, should promise and swear the same, and after his coronation reiterate his promise and oath by special confirmatory rescripts, and that if this, which cannot be believed, were to be refused or postponed by the Pope, then, in the first secret Consistory, the Cardinals, and specially their Dean, and with him the Capi d'Ordine, should incessantly and most pressingly with every instance ask, pray, and implore the observance of these presents, and take most diligent care that this should happen.' These very elaborate prescriptions received solemn confirmation in full from various subsequent Popes, until Gregory XIV. modified the binding force of the engagements he had himself sworn on accession, in conformity to custom, by the issue of a rescript highly illustrative of the absolute nature of Papal authority. This Pope, who reigned only a few months, was a vehement partisan of Spain in the war of the League, and was probably actuated in his relaxation of stringent obstacles in the way of turning property into money by his desire to assist Philip

II. in his undertakings. The changes he wrought in the letter of the law were however shortlived, for his immediate successor, Clement VIII., abrogated them by a Consistorial decree of the 26th June 1592, admitted into the body of Alexander VII.'s Bull, in which the very remarkable circumstances are recounted that marked Gregory's act of legislation. Pope Clement tells the world that at 'a secret Consistory held at St. Mark's, on Friday the 13th September 1591, in which the opinions of the Cardinals present, amongst whom was His Holiness (Pope Clement himself), had been not at all asked for, and in spite of many distinctly speaking against, his predecessor nevertheless had declared and decreed that by the Constitution of Pius it was not forbidden to infeoff anew a fief not yet lapsed, *when necessity or the manifest and true advantage of the Church* demanded this,—that the oath taken to it did not comprehend such a case,—that no one could lawfully swear thus, because it would be contrary to the requirements and manifest advantage of the Church, and that he therefore adjudged and ruled the aforesaid Constitution to be thus understood, that it would be unlawful for any one hereafter

to speak or write thereof otherwise than as was then declared by him, in accordance with the contents of this decree and declaration.' The whole of this saving clause by his predecessor Pope Clement then cancelled, on the ground that the plea of requirement and advantage would only serve to leave a door open to alienations injurious to the Church, and this severe sentence against the personal disposition of Popes to enrich favourites at the expense of the institution they were elected to preside over was indorsed by Alexander VII., when he especially included the whole text of Clement's rescript in his elaborate confirmatory Bull of every stringent enactment by predecessors on this subject.

From these facts, it results clearly that however great the solemnity which successive Popes sought to attach to these prohibitory declarations against alienations of Church properties, it yet never amounted to a sacredness inviolable even for pontifical authority. The very circumstance of so many repeated confirmations by spontaneous Papal edicts would of itself be sufficient to set aside such a hypothesis. A dogma is not reaffirmed by successive Popes, but

takes care of itself when once promulgated for all time, because its nature is assumed to represent an eternal principle, which, once recognised, stands for ever an indelible member in the organism of the Church's doctrine. Moreover, the instance of Gregory XIV.'s declaration, and the terms of the sentence of reversal pronounced thereon by his successor, conclusively establish that there is no exceptional force for a Pope in the obligations attaching to this particular engagement. For Gregory XIV. himself, in accordance with the original prescription of Pius V., had confirmed on his accession the terms of the original Bull, and yet in spite of this solemn act of adhesion he considered himself at liberty to issue a qualifying declaration of its meaning; while Clement VIII., who made no effort to disguise irritation at his predecessor's action, never introduced a word in the unfriendly language with which he reproved the proceedings that implied a charge against Gregory of having exceeded the bounds of his lawful privileges—of having violated a fundamental vow—by those modifying declarations which he solemnly repealed in virtue of an identical authority.

But even if it be granted that there is

aught in the oath so taken which puts it beyond the range of the Pope's dispensing power to absolve himself therefrom, we must consider it a quite false reading of its obligations to refer them to a limitation of the Pope's sovereign authority for surrendering territory in deference to dictates of policy and expediency. The whole scope of the Constitution was to set a check upon a prevailing system of scandalous favouritism by which habitually Popes enriched their relatives with possessions diverted, it might be said fraudulently, from their legitimate purport. The monstrous custom of Nepotism, which attained proportions that scorned all pretence to clandestineness, and stood forth in shameless nakedness, was the object aimed at in the stringent provisions of these pontifical decrees, as results conclusively from the text for every one who is not actuated with a sense of special pleading. It is impossible for a candid mind to mistake the plain meaning of the very explicit and precise prohibitions levelled against making grants of Church property for the benefit of individuals, and against nothing else. The limitation of the sense attached to these decrees is so absolute, and so dis-

tinctly expressed, that only a deliberate spirit of perversion could venture on pretending to misunderstand its scope. The groundlessness of the interpretations which it has been sought to set on the oath taken by the Pope is rendered still more clear by a second Bull he swears along with the other, and which is coupled therewith as a sort of commentary and supplementary illustration. This Bull, issued in 1692 by Alexander VII., and known by the title of 'Constitutio Moderatoria Donationum,' is so directly levelled against the immoderate grants made by Popes to their kinsmen as to name these without disguise, and to have put it beyond the stretch of the most wilful casuistry to attempt to twist the plain meaning of the text. A more confounding illustration does not exist of the practice once recognised in the Court of Rome than is here indelibly afforded by a Pope writing with all the weight of authority and the studied solemnity of a clearness of speech to baffle the powers of misapprehension, or extenuation. The preamble states that the Constitution is promulgated for 'the moderating of gifts and the distribution of ecclesiastical revenues to the kinsmen and connexions

of the Pope, or to those adopted as such, and for the prescribing of safeguards to be observed in the assignment of favours which are said to have been at times granted by deputation, *per concessum*, during a Pope's sickness.' Accordingly it is ruled that a Pope may lawfully assist, should they be in want, his brothers, nephews, relatives, and connexions (*consanguinei et affines*), as also those whom he may have adopted as such, but only in the degree in which he habitually administers to the destitution of the poor who stand in no particular relation to him. Should any of the before-mentioned relatives enter the Church, it is enjoined that they shall be endowed with but moderate preferments; and in the event of any attaining the Cardinalate, that they shall not be allowed to accumulate benefices exceeding in value 12,000 crowns a year, it being expressly conceded that such income shall proceed from holdings for life,—any additional but insecure income from preferments held at the Pope's pleasure not being included in this estimate of the portion due to Papal kinsmen. Furthermore, to obviate the recurrence of what has happened in the case of favours granted by deputation dur-

ing a Pope's sickness, in excess of what he would have sanctioned if acting himself, Alexander VII. ordered that those invested with powers of deputation, even though by a Chirograph signed by the Pope's own hand, under no circumstances should be capable henceforth of granting any favour, except with the assent of two Cardinals, subscribing, in the Pope's presence, the deed of concession, which, without their signatures, shall be null and void. This Bull, issued in the first instance to restrain the arts and practices by which the spirit of the former prohibitions against Nepotism was evaded, determines, beyond all controversy, the scope of those earlier Papal decrees with which it stands connected, and in conjunction with which subsequent Popes have sworn to it. The assertion, therefore, that the Pope (who, in every other respect, is invested with absolute powers exceeding those of every other Prince) holds his temporal sovereignty by ties involving a limitation on his executive, for which there is no precedent in the conditions attached to the tenure of any other Crown,—ties that would reduce him to the condition of a helpless bondsman in a matter recognised to lie

within the province of every sovereign's individual discretion by the fundamental principles of monarchical government,—may be fearlessly pronounced to be as unfounded an allegation as the fact would be a glaring and unparalleled paradox.

IX.

AT a moment when, in the ordinary course of nature, a Papal election must be a thing not far distant, it will not be inopportune to append to this outline of the constitutional law of Conclaves a summary of the incidents that marked the last one held. At this season precedents may be usefully reverted to, and though vast physical changes, reacting necessarily on Conclaves, as on all human institutions, have been introduced since 1846, the moral elements which then came into play cannot be said to have become obsolete. There was then no railway communication in Italy, and no electric telegraph was then known. Tidings took many days, in 1846, to travel with the greatest expedition from Rome to Vienna or Paris, whereas now, a few instants after the

Pope's decease the fact can be brought to the knowledge of the antipodes, so that long before the old prescribed nine days of mourning are elapsed, every Cardinal in existence will be able to reach Rome with perfect ease. It has not escaped observation, therefore, that this Conclave will assemble under physical conditions entirely different from former ones. But this does not hold equally good of the moral elements in the field. A striking analogy presents itself at once between the kinds of influence that, on the last occasion, stood, and again will stand, over against each other. In 1846 the struggle lay between the Cardinal who, during the late Pope's reign, as Secretary of State, had been the absolute distributor of patronage—the Grand Vizier, whose word had been law, and whose smile had been favour,—and all those who had been offended at his protracted greatness, and who desired to supplant him. At the coming election we may expect to see once more in the field a Cardinal who for an even longer period has been in possession of a yet more marked and more detested preponderance, and between whom and his enemies the struggle bids fair to prove propor-

tionately sharp. On the last occasion this antagonism decided the election; and with intensity not diminished, why should it not again prove the determining element? But the intention here is not to speculate on the future, but only to narrate facts of the past. Gregory XVI. died, then, as has been said, unexpectedly, although his advanced years should have prepared the public for such an event. He had, however, been so robust that his eighty years had dropped out of sight. Not merely the population of Rome was taken by surprise on hearing of his death, but likewise the Catholic Cabinets, who had unaccountably neglected to be prepared for a sudden emergency with proper candidates, and confidential agents, instructed how to exercise their respective vetoes. This was the more extraordinary inasmuch as the relations of the Court of Rome and general political considerations connected with the state of Italy had occupied not a little the attention of those Catholic Cabinets which have an especial interest in the Holy See. The closing years of Gregory XVI.'s reign had been marked by various incidents that had given rise to much agitation in diplomatic circles. In 1845, there occurred

the rising in the Romagna, which was indeed suppressed forthwith, but only to revive in a far more effective shape—in the famous pamphlet *I casi delle Romagne*, which, written and acknowledged by Massimo d'Azeglio, circulated as the testament of a new political gospel throughout the peninsula. Then there came the memorable visit of the Czar Nicholas to Rome, and those interviews in which the Pope had dared to speak to the dreaded Autocrat words of firm protest against the treatment to which he subjected the Catholic Church in Russia. The interest excited in the political world at the time by this remarkable conference was very great, for on the one hand the religious agitation in Poland had assumed serious proportions, while speculation was stimulated by the mystery surrounding this interview, at which only two witnesses[1] had been allowed to be present. Finally, there had happened the startling nomination as French ambassador of M. Rossi, a born subject of the Pope, fugitive professor from Bologna, and notoriously compromised Liberal, who came avowedly to obtain from the Holy See

[1] Cardinal Acton and M. Boutenieff, the Russian Minister in Rome.

its concurrence in the principles of free education then being advocated in France, and its compliance in the desire of the French Government for the reduction within moderate limits of the establishments that had been opened in France, more or less clandestinely, by the Jesuits, in evasion of the law. All these circumstances had brought about a degree of inward agitation which, though still outwardly suppressed, was sufficiently declared to be acknowledged by all who had not some special interest in speaking against the truth.

During his reign of sixteen years, it befell Gregory XVI. to create no less than seventy-five Cardinals, which are five more than the Sacred College can count, according to the Bull of Sixtus V., in force. The mortality amongst his nominees was, however, inordinately rapid, for at the moment of the Pope's death the whole College did not amount to more than sixty-two, of whom two dated still from Pius VII. and seven from Leo XII.[1] Those present in Rome

[1] Gregory left five Cardinals *in petto*, whose sealed-up names were communicated to his successor by the Cardinal Camerlengo the dignitary who takes in charge the inventory of the Papal palace, and therewith of the Pope's writing-table, in which it is customary for him to

were but thirty, who, the day after the Pope's demise (2d June), met in congregation as appointed, and devoted themselves to the prescribed formalities. Singularly enough, instead of shortening the preliminary period, they even extended this; for it was only on the 14th June that the Cardinals, who had been reinforced to fifty in the interval, entered solemnly into Conclave. The state of parties in the Sacred College had been sharply defined, from the moment of the Pope's decease, between the faction of the Cardinal Secretary of State and an opposition which went by the appellation of the Roman party, from its leading members being Romans, and their assumed opinion that the times required the elevation of a born Roman to the throne of the Roman States. In contradistinction, the Cardinals who acted along with Lambruschini—a native of Genoa—went by the appellation of the Genoese party. Between these two sections it was evident from the first that the contest would lie, and both parties

deposit their names. It was in a drawer of this table that Gregory XVI. kept the deed dispensing the Cardinals from the obligation to wait nine days before proceeding to election.

entered Conclave with names in circulation as likely candidates. The leader of the so-called Roman party was Cardinal Bernetti, who had been twice Secretary of State. That he himself should be elected Pope never came into question; but, although out of the field as a candidate, he was very forward in it as the active organizer of an opposition against the colleague who had so long and so completely supplanted him in the coveted post of First Minister. The names mentioned as of Cardinals who might be candidates for this party were *Gizzi*, *De Angelis*, *Soglia*, *Falconieri*, and *Mastai Ferretti*. Of these Cardinal Gizzi was the best known, and amongst the public, most popular name, for he had the character of an opponent to the late Pope's reactionary system of government; also, in the golden days of the new era, this Cardinal became Secretary of State to Pius IX., the Pope of amnesties and reforming action. De Angelis is the Cardinal who since has made a figure, as Bishop of Fermo, for his hostile attitude to the Italian Government, and consequent deportation to Piedmont. Falconieri had the advantage of being member of a great noble family in Rome, and a

prelate of such exemplary nature that, as Archbishop of Ravenna, he conciliated all. His funeral (which took place since the Revolution) was a demonstration of universal sympathy. Of Soglia, it may be remembered that, during the ephemeral period of constitutional government, he figured as Premier of a Cabinet; while of Cardinal Mastai-Ferretti little was known beyond the fact of his having, as Bishop of Imola, acquired much respect, and of his having conducted himself in a charitable spirit on the occasion of revolutionary outbreaks in that neighbourhood. Of the five indicated, his was the name least spoken of, and certainly least familiar. On the opposite side the moving spirit ought also to have been aware that it was useless for him to expect to become Pope. It has grown into an admitted point of Papal electoral custom that a Secretary of State practically forfeits his chances of becoming Pope.[1] But in this instance there were many additional reasons why Cardinal Lambruschini should never be able to ob-

[1] The last instance to the contrary is the election of Cardinal Rospigliosi, Pope Clement IX., 1667.

tain a majority. He was a thoroughly unpopular man, of a hard, narrow, and avaricious nature, that weighed tyrannically on such whose timid nerves quailed, but could elicit sympathies only from dependants by disposition or parasites by choice. He was a man feared and detested. Cardinal Lambruschini was, besides, a prelate incapable of cloaking his passions, or of checking his tongue in the transports of his humour. During his administration he had governed in concurrence with the Court of Vienna, to which he owed elevation; and when he entered the Conclave as chief of a party, it was with the view of maintaining the conservative principles of policy he had clung to for sixteen years, and with the hope of securing to himself, at the least, a renewed lease of his former position if he were forced to give up the tiara itself to another. The men who followed his standard were the incarnations of retrogradism, or individuals specially bound to him; though it is believed that, in the event of finding himself obliged to forego all hope of his own election, he contemplated making a candidate of Cardinal Franzoni—a man more open to generous feelings, more

likely to secure suffrages, but who proved, precisely for this reason, in the critical moment, no trustworthy supporter of the strictly personal views of the Lambruschini party. There was also Cardinal Micara, the Capuchin, who occupied an anomalous position, which made him influential. He was a man like Sixtus v., energetic, hasty, and even violent in his temper; so that at Frascati, where he was Bishop, he once forgot himself so far as to strike in the face a man he was conversing with on the square, from whom he fancied himself to have received a slight. Cardinal Micara was an oddity, and an object of terror to his colleagues, but a man of the people; a true Capuchin of the homely type in his habits—great in charities and familiar with the poor: he was so popular, in spite of his known narrowness of ideas and truculent temper, that the populace cheered him as Pope-elect in the streets of Rome. A different stamp of man was Cardinal Altieri, who, it was believed, aimed at the Secretaryship of State, and intrigued to secure that office against the votes of himself and a few hangers-on. When the Cardinals, therefore—fifty in number,—began

to ballot on the 15th June, they appeared divided into one compact body at the beck of Cardinal Lambruschini, and an opposition, not so compact as to vote systematically together, but yet sufficiently united in hostility to the late Secretary, not to give him any votes; while a small flying troop, under the command of Altieri, acted like shrewd electors on the look-out for a profitable windfall. The first ballot gave at once the measure of Lambruschini's following, and led to the crisis that decided the election against him. To have thus revealed from the very first the full strength of his forces was an error in electoral tactics eminently characteristic of this Cardinal's inability to control his passions. Instead of exercising the virtue of patience until the arrival of reinforcements to his party, known to be on their way, Cardinal Lambruschini, driven by an irresistible avidity to clutch the coveted prize, ventured upon an attempt to snatch its possession by a *coup de main*—impossible of success under the circumstances, and which had for sole effect to determine his final and immediate defeat by the instantaneous coalition of all his enemies in a

common effort. It will be borne in mind that the voting goes through two processes —the first being an ordinary ballot, at which each Cardinal has to give his vote; the second, termed technically the *accessus*, where it is allowable for a Cardinal to transfer his previous vote to any candidate who may have obtained votes on that same previous occasion. The general practice has been to hold each day only one ballot in the forenoon, and a supplemental one, the *accessus*, in the afternoon; but on the present occasion the Cardinals doubled the votings, so that both morning and evening there was a ballot, followed immediately by its supplement. When the votes on the forenoon of the 15th June were cast up, it was found that Lambruschini had come out with fifteen votes on the two processes, while Mastai counted twelve, the other twenty-three Cardinals having scattered their votes in driblets on a variety of names. The importance of these numbers could not escape observation. The fifteen men who had voted for Lambruschini would require the addition of only five to make him sufficient master of the Conclave to prevent a canonical majority for any

candidate he did not approve of. That Cardinals, and especially foreign ones, were on the road who would go along with Lambruschini was a fact perfectly known. Consequently the immediate feelings on the part of the opposition were of alarm lest the arrival in time for voting of these Cardinals should confirm Lambruschini's ascendency, and of instinctive desire by drawing together in quick support of the same man to carry the election by the very stratagem of surprise which Lambruschini had vainly sought to ply. Who that man might be, most properly, was sufficiently indicated under the circumstances by the morning's poll; and thus by general consent Cardinal Mastai, from the mere fact of the votes that had been recorded in his favour, in part probably without serious intentions, came to occupy the position of a natural candidate for the opposition. The afternoon's poll already gave evidence of the work that had been in operation in the interval of a few hours. Cardinal Lambruschini's following had been broken in upon; two of his adherents had been induced to fall away; and while he now counted only thirteen votes, Mastai came out with his numbers raised to seven-

teen. From that instant Lambruschini's chances were gone, as regards his own election, and it only remained a question whether he might still succeed in averting a conclusive vote until the arrival of those Cardinals who would combine to prevent the complete victory of the opposite faction. But this hope was not destined to be realized. The incidents of the day had produced a deep impression. The Cardinals felt that they were exposed to an indefinite Conclave if they allowed it to be spun out until the intervention of their still absent colleagues; and a protracted Conclave in the peculiar condition of the Romagna, and the revolutionary agitation throughout Italy, all Cardinals who postponed personal to general interests concurred in deprecating as a most disastrous event. Next morning the action on the Cardinals of the night's consultation was unmistakable. On the ballot papers being examined, Mastai was found with twenty-six votes, while Lambruschini had gone down further to eleven. So successful a progress instinctively elated the opposition with hope of being able by an energetic effort to complete their victory, and this much desired consummation was really

achieved the same afternoon. When Lambruschini had become aware of his having no chance of coming out of the contest as the winning man, he thought of pushing forward Cardinal Franzoni, in the hope that his milder nature might counteract the rising opposition. But just because the Cardinal was a man of conscience, he was little fitted for the party character which he was expected to assume. He declined to be lured away from giving his adhesion to Mastai when he perceived the real drift of the manœuvre, and his example had much influence on others. Cardinal Franzoni refused to serve as the puppet of factious ambition, and in the afternoon ballot Mastai's name came out with the addition of one vote, numerically, indeed, a small, but in reality a very substantial addition, while Lambruschini once more had gone along his downward course to eight. Things therefore stood thus:—In Conclave there were fifty Cardinals, requiring thirty-four votes on the same head for a canonical election. Accordingly seven were wanting to make Cardinal Mastai a Pope when the supplemental ballot was entered upon in the afternoon of the 16th June 1846, and

resulted in the decisive addition of nine to his former numbers; Lambruschini's eight proving faithful to the last. The gain was therefore on the floating portion of the constituency, and it is believed that Pius IX. owed his election to the adhesion of Cardinal Acton, who is credited with having commanded nine votes, which at this crowning moment he carried to Cardinal Mastai Ferretti. The day following divers Cardinals arrived, and amongst these was Cardinal Gaysruck, with those secret instructions from his Court which would have arrested this momentous election had they only been in Rome twelve hours earlier. The whole duration of the Conclave was not more than fifty hours, and the last of these were marked by a singular incident. In the afternoon of the 16th June, it transpired that the Cardinals were on the point of proclaiming a Pope, and the report spread through the city with the rapidity of electricity; but till midnight the population, and even the highest and best informed personages, remained under the firm conviction that the Pope was to be Cardinal Gizzi. When therefore the error was exploded, the announcement of a name so little known

added to the universal surprise at the change of scene that had been happening with such extraordinary quickness. One point may be worth drawing attention to in this Conclave, as illustrative of the difficulties attending an estimate of the nature and temper of the constituency of Cardinals. If ever there was a Sacred College which would have appeared to give every guarantee for its strictly conservative composition, it might have seemed the one composed under the selecting influence, during sixteen years, of a Pope like Gregory XVI., acting hand in hand with a minister of Lambruschini's stamp, not to speak of the no less pronounced conservative dispositions of the preceding sovereigns, Leo XII. and Pius VIII. Surely the door might have been deemed to have been tightly enough closed against the ingress of liberal elements under the vigilant watch of keepers of such uncompromising rigidity. Yet out of a Sacred College of such carefully exclusive construction there sprung up the element of opposition, which carried the election of Pius IX., under the sole reaction of personal feelings against the galling ascendency of a grasping, an avid, and an imperious minister. Undoubtedly Pius IX. has

been in the highest degree careful in the selection of members for the Sacred College whose minds are not given to new-fangled teachings; but let it not be forgotten that in their human natures these invulnerable giants of orthodoxy are liable to be swayed by the same currents of personal passions as their fellows and predecessors; and that the same, and, of its kind, even a more powerful instrument for irritation, is forthcoming at present, in the shape of a minister whose grasping, and avid, and all-usurping nature has been most poignantly felt, nay, has thrown into the shade the hateful memory of Lambruschini.

We have now brought to a close our survey of the elements that are forthcoming in the living organization of the See of Rome in relation to that capital function of its system—Pope-making. Much which is curious might still be added on a subject so vast and abounding in strange incident. The object, however, has not been to write a history of Papal elections, but only to point out the provisions existing in the constitution of the Court of Rome to this end, and the facilities these may furnish for new combinations, if recommended as

expedient by circumstances. It will have been seen that an organism which at first sight appears framed on principles of the most rigid formalism, contains within it a vast stock of elasticity and capacity for adaptation to new forms. This faculty has been called into play on various and capital occasions, and such departures from precedent, under a wise regard for policy, have been approved of by the concurrent conscience of generations in the Church. The great schism was healed by one of the boldest and most revolutionary measures on record,—the creation of what was a religious Constituent Assembly for the nonce,—calling into existence for a special purpose an electoral body without precedent. On other occasions, Popes have of their own authority dispensed with the most time honoured and the most carefully enjoined prescriptions, when these were found contrary to sound policy; and the Church has never considered them to have exceeded their legitimate attributes by such stretches of authority. The constitution of the Court of Rome is therefore so far from being what it is popularly supposed, a thing of strictly limited nature, over-weighted

with the encumbrance of absolute injunctions, that it will be found, when the heart of the system is reached, to be actually one of the most elastic in existence. Let only the instincts of the body representing the Church be alive to a necessity, however new, and that body can at once, without taint of illegal and revolutionary pretension, recognise the call for new conditions. There is in fact no limitation on the plenary power of the governing body, in spite of the stringent formalism within which at first sight it seems to be tightly bound. If, then, it be the case that the circumstances now besetting the Papacy exact concessions from it for the removal of otherwise insuperable difficulties, it is certain that there is nothing in the nature of its tenure which must on principle put it out of the power of him who holds that dignity to make freely any such concession as may be demanded by reasons of sound policy.

APPENDIX.

APPENDIX A.

It may perhaps be thought by some that Mr. Bergenroth has been hasty in giving credence to the existence of so astounding a dispensation, on the mere testimony of a posterior Spanish State-paper, however grave its nature may be. But in a collection of documents drawn from the Vatican Records, edited by their Keeper, Father Theiner, printed in the Vatican Palace, and issued with the *imprimatur* of the Court of Rome, we possess irrefragable evidence of two Papal utterances in the matter of marriages, which certainly fall very little short of this dispensation in laxness of morality. They are to be found in the *Vetera Monumenta Poloniæ*, 4 vols. folio, Rome, 1864. The first case is that of Casimir the Great of Poland (1333-70), who married Anne, daughter of the Duke of Lithuania, and, on her death, Adelaide of Hesse, who, 1356, returned to her father, being indignant at her husband's infidelities. Casimir then became enamoured of his cousin, Hedwig, daughter of Henry Duke of Sagan, and, though Adelaide was alive, went through a marriage ceremony with her. At first he vainly sought, through his nephew, Louis of Hungary, to get a dispensation from Rome. For a while Urban v. would not hear

thereof. What argument induced him to yield in the end is unknown; but that the marriage between Casimir and Hedwig came to be recognised by him as valid, during Adelaide's lifetime, is now proved by a Brief from Urban v. to Casimir, certifying that the charge brought against the latter, of having forged the dispensation for his marriage, was unfounded, and which Brief is printed in *Vet. Mon. Pol.* vol. i. p. 649. In it the Pope writes :—'Cum itaque, sicut accepimus ab aliquibus tuæ celsitudinis emulis famam Regii nominis denigrare conantibus, tam in judicio quam extra judicium, minus veraciter asseratur certas apostolicas litteras per quas tecum fuisse dispensatum dicebatur, quod cum dilectâ in Christo filiâ nobile muliere . . . . natâ *dilecti filii nobilis viri Henrici ducis Zaganiensis . . . . matrimonium* contrahere posses, falso fuisse tuo nomine fabricatas, nos ad famam ipsius tui nominis conservandam omnem infamiam, si quâ forsan contra celsitudinem tuam occasione premissorum, a quibus te reputavimus insontem, foret exorta, velut *frivolam et inanem* tenore presentium penitus abolemus, ita quod nihil ex prædictis contra excellentiam tuam in judicio vel extra in perpetuum possit objici vel opponi.' While the term *matrimonium* is conclusive of the light in which the tie between Casimir and Hedwig was considered by the Pope, it is remarkable, that though certifying to their authenticity, he guards himself against expressing approval of these same 'litteras prædictas.'

The second case given is that of an authorization to Alexander Duke of Lithuania, and after-

wards King of Poland, to put away his wife, merely because she belonged to the Eastern Church, in direct violation of his solemn oath when wedding her, that he never would subject her to any compulsion on account of their difference in faith. At p. 288, vol. ii. of the *Mon. Pol.* will be found a Brief from Pope Alexander VI., with date 8th June 1501, in which we read,—'Declaravit orator tuus quod cum nobilem Helenam in uxorem tuam acciperes, per medium oratorum tuorum patri ejusdem inter cetera pollicitus es, quod etiam juramento forte dictorum oratorum sub nomine tuo confirmatum extitit, nunquam eandem compulsurum ad ritum Romanæ ecclesiæ suscipiendum.' This promise the Pope commends Alexander for having observed during five years, but as in spite of his indulgence the said Helena persisted in remaining an obstinate schismatic he absolves him from his pledge ('Non obstantibus promissionibus et juramentis prædictis, quibus te nullatenus teneri tenore præsentium declaramus'). The Duke is directed, however, once more to seek the effect of kind persuasion to induce his wife to fall away from the 'pessima Ruthenorum secta,' but if she still proves recalcitrant, then the Bishop of Wilna 'eandem Helenam a cohabitatione thori tui separet, et aliis maritalibus obsequiis privet, ac penitus a te dimoveat.' But in spite of this Papal authorization there was a practical difficulty about effecting this repudiation. Helena was the daughter of the powerful Duke of Muscovy, who was likely to resent an affront to his child in a manner the force of Poland might be unable to defy. Accord-

ingly, Duke Alexander, who had meanwhile succeeded to the throne of Poland, deemed it prudent to defer repudiation, at least until the death of his father-in-law, who was advanced in years, and applied to the reigning Pope, Julius II., to sanction a postponement of his persecuting zeal. This request Julius granted in a Brief, also given by Theiner, vol. ii. p. 319, which, from its ingenuous language, is the most astonishing Papal document we know. Without circumlocution, the Pope gives expression to the purely secular consideration that weighed in his decision,—'Considerans quod, ... illius pater Moscoviæ dux præfatus, qui tibi finitimus dicionis amplitudine ac viribus est potentior, iniquo id ferens animo, facile rursus bella et damna intollerabilia tibi ac terris regnicolisque ejus inferre posset;' the Pope graciously listens to the King's humble request that, by *apostolical kindness*, he might be indulged to put up with his wife ('uxorem præfatum tollerandi') until the death of the already decrepit Duke of Muscovy, or some other opportunity, by God's favour, should render repudiation free from risk ('donec per obitum dicti Moscoviæ ducis, qui jam etate decrepitus est, vel per aliam aliquam occasionem, dispensante Altissimo opportunitas offeratur aliter in hac parte providendi'). Accordingly, Pope Julius assents, under certain provisos, to his retaining Helena as his wife until such time as he can send her away without fear of unpleasant consequences ('uxorem tuam velut hactenus tollerare et habitare cum eâdem libere et licite valeas, nec ad ipsam dimittendam tenearis, donec aliqua opportuna occasio aliter

in hâc parte deliberandi, ut premittitur offeratur'). Of course, in all these practical dissolutions of marriage, the Church which pronounces marriage a sacrament never professes to dissolve this, but always puts forward some flaw which it is the duty of canonists to invent as the ground for declaring *ipso facto* null and void the contract in question. This may be distinctive of the ability of the doctors, but does not remove the immorality of the proceeding. It would be desirable, however, to see the original text of the dispensations in the cases of Henry of Castile and Casimir of Poland, and so to judge by what quibble acts were justified which, so far as we can judge, are infinitely more outrageous than the concession to grave expediency once made by Luther, and which Romanists are never tired of hurling at his head. See also *Geschichte Polens* in Heeren and Ukert's Collection, vol. xi. p. 332, for some criticisms on Theiner's documents.

APPENDIX B.

THE case of Cardinal Andrea presents so many important bearings, even though his return to Rome within the term of citation should, in all probability, quash further prosecution, that it will not be inopportune to state briefly the chief pleas on which the Pope relies in his comminatory Brief of degradation. The canonical authorities invoked in this document as affording a legal basis for the decisions promulgated are the Bulls *Ad universæ Christianæ Reipublicæ* of Benedict XIV. and *Cum Juxta* of Innocent X. As regards the first of these Statutes, it must be observed that its scope is strictly confined to simply recalling to mind the residential obligations imposed on Bishops by the Council of Trent, and that the only clause which touches on Cardinals does so only in so far as they are Bishops. The following is the text of this clause:—'Ceterum intendimus sub præsentium Literarum Nostrarum ordinatione et dispositione etiam ipsos Venerabiles Fratres Nostros Sanctæ Romanæ Ecclesiæ Cardinales, qui Patriarchalibus Primatialibus Archiepiscopalibus et Episcopalibus Ecclesiis prædictis ex concessione et dispensatione Apostolica nunc præsunt, et in futurum præerunt comprehendi, ac comprehensos esse et fore.' It is manifest that as far as the provisions of this Bull come in question,

they can touch Cardinal Andrea only in his capacity of Bishop. It is therefore his suspension from the See of Sabina which alone can be sought to be justified on the authority of this Bull. The sentence of absolute deprivation of all the attributes of the Cardinalitian dignity which is involved in the Brief of the 29th September, consequently should find its justification in the provisions of the other Statute invoked, the Bull *Cum Juxta*. Undeniably this decree was levelled at Cardinals, and notoriously at the Cardinals Barberini in particular, who, greatly to the anger of Innocent X., left his dominions and sought the hostile protection of Mazarin. This personal motive in its inspiration caused the Pope expressly to make the Bull retrospective in its action, so as to strike the case of these fugitive Barberinis. But clear as daylight though it be that this Statute lays Cardinals under penalties who leave the Pope's dominions without his license, there is nothing in it to warrant the extreme sentence which Pius IX. has deemed himself empowered to formulate. Roman canonists have indeed attempted learnedly to prove that Cardinal Andrea has never come within the action of the Bull *Cum Juxta*, his departure having been rendered necessary for the preservation of life, which, in canon law, is a paramount obligation no Pope has the power to traverse. This technical objection we are content to ignore. We are quite ready to admit the ground for proceedings against Cardinal Andrea that is afforded by this Bull *Cum Juxta*, and yet we are unable to extract from

its wording an adequate authority for the peculiar sentence in question—a sentence without precedent since that pronounced against the Colonnas by Boniface VIII., and subsequently so clearly condemned and reversed. The penalties reserved by Innocent X. for Cardinals who desert the Papal States and disobey the Pope's summons to return, comprise loss of temporalities and a *general deprivation* of the Cardinalitian dignity; but in the whole of this very detailed Statute of pains and penalties there is not a word implying the forfeiture of franchise. By the provisions of this Bull the Pope is empowered to do merely that which there never could be a question but a Pope has perfect authority to do to contumacious Cardinals, namely, punish them with the kind of degradation ultimately inflicted on Cardinal Coscia, that involved loss of outward signs of rank, and even *partial disability* of franchise, but not downright forfeiture—this last sentence originally pronounced against this Cardinal being acknowledged by Pope Clement XII. to labour under integral vice. The importance of this point makes it well to give the very words of that portion of the Bull *Cum Juxta* which comes in question, and then to append the text of the Brief which Pius IX. addressed to Cardinal Andrea:—

'Si autem tam Cardinales, qui jam sine nostrâ licentiâ, ut præmittitur, extra Statum Ecclesiasticum se trastulerunt, quam illi, quos in futurum, ut supra extra eumdem Statum absque nostrâ, et pro tempore existentis Romani Pontificis licentiâ se transferre contigerit, per alios tres menses immo-

diate sequentes, quos pariter pro tribus canonicis monitionibus, peremptoriisque dilationibus, et terminis assignamus et sic in totum infra quindecim menses personaliter, et cum effectu ad Romanam Curiam non redierint, decernimus deveniri posse ad alias pœnas, etiam quantumlibet majores, et graviores, ac individua mentione, specialique notâ dignas per Nos, et successores nostros Romanos Pontifices declarandas, *ac etiam usque ad pœnam privationis dignitatis Cardinalatûs inclusive.*'

The text of the Brief runs thus:—

'*Sanctissimi Domini Nostri PII, Divina Providentia PAPÆ IX. litteræ Apostolicæ quibus Hieronymus D'Andrea Cardinalis suspensus declaratur ab insignibus et privilegiis Cardinalitiæ dignitatis aliaque in eum decernuntur.*

PIUS PP. IX.—Quamquam Illius Nos gerentes in terris vices, qui patiens et misericors est, benignitatem clementiamque libenter sequamur, tamen quia judicium et justitiam facere Apostolici etiam muneris esse intelligimus, ad evellenda, quæ in perniciem fidelium suboriantur, scandala, eorumque auctores compescendos supremæ nostræ auctoritatis vim et robur exerimus. Id nos spectantes jam inde ab anno proxime superiori 1866, per similes in forma Brevis Litteras, die 12 mensis Junii datas, auditis antea Venerabilibus Fratribus Nostris S. R. E. Cardinalibus, de eorumdem consilio omne jurisdictionis exercitium in spiritualibus ac temporalibus tam in Ecclesiam Sabinensem, quam in Abbatiam Sublaquensem ad nostrum et

S. Sedis beneplacitum Hieronymo D'Andrea Cardinali suspendimus atque interdiximus, quippe qui mense Junio anno 1864, nobis justissimas ob causas abnuentibus, aliasque ut oras ad confirmandam valetudinem peteret suadentibus, Urbem repente deserens Neapolim profugisset, ibique adhuc immorari pergeret contra Sacrorum Conciliorum de Episcoporum residentia sanctiones, contraque Romanorum Pontificum Prædecessorum Nostrorum decreta de eadem re edita, et potissimum Benedicti XIV. Constitutionem, quæ incipit "*Ad universæ Christianæ Reipublicæ*," ubi scilicet decernitur non licere Episcopis a Diœcesi sua recedere legitima qualibet ex causa etiam tuendæ recreandæque valetudinis, nisi prius a Romano Pontifice pro tempore existente veniam fuerint expresse consecuti. Neque minus severe de Cardinalium residentia statuerunt Prædecessores item Nostri Romani Pontifices, atque in primis Innocentius X. in sua Constitutione "*Cum Juxta*," die 19 Februarii anno 1646 edita. Is enimvero, quum S. Ecclesiæ Romanæ Cardinales in partem Apostolicæ sollicitudinis vocati adstare continenter Romano Pontifici, eique in regimine universæ Ecclesiæ studium suum operamque præstare debeant, graves eisdem, multiplicesque indixit pœnas, ipso facto, et absque judicis declaratione incurrendas, si extra civilem Ecclesiæ Statum demigrare ausi fuerint quacumque ex causa etiam publica et favorabili, et in corpore juris clausa, nisi eadem causa a Romano Pontifice pro tempore existente expresse antea fuerit et probata et admissa.

Jam vero hujusmodi inobedientiæ, atque irre-

verentiæ exemplo adversus nos et Apostolicam Sedem per memoratum Cardinalem edito, proculcatisque tam audacter ab eo sacrorum canonum sanctionibus, et Pontificiis Constitutionibus, diu multumque, sed tamen frustra expectavimus dum ille resipiscens errati veniam postularet; frustra illum per Cardinalem publicis negotiis præpositum, ac deinde per Cardinalem Sacri Collegii Decanum admonendum curavimus de gravissimis pœnis, quibus juxta sacros canones, et pontificias constitutiones obnoxius evasisset. Ipse etenim adhibitas admonitiones nihili faciens, actionem illam suam tamquam culpa vacuam tueri pertinaciter institit, evulgatisque in eam rem litteris, amplissimorum nonnullorum Cardinalium, et spectatissimorum Antistitum nomen famamque proscindere non dubitavit iniquissimis conviciis et contumeliis, omni posthabito et humanitatis et christianæ etiam charitatis officio. Tanta hæc agendi scribendique licentia viro potissimum indigna, qui et Cardinalitia et Episcopali dignitate honestaretur, maximum nobis dolorem inussit; sed tamen nequid intentatum relinqueremus ad ejus animum permovendum, ac ne ullæ nostræ benignitatis et clementiæ partes in hujusmodi re desiderarentur, litteras ei mittendas duximus manu nostra conscriptas, quibus hortati eumdem sumus, ut consideraret etiam atque etiam quam grave fidelibus scandalum intulisset, et quantam idcirco culpam sustineret, æternæque suæ saluti consulens in rectam viam redire ne moraretur; ac postremo denunciavimus, nisi paterna nostra monita libens volensque audiret, et sequeretur, ipso Apostolici muneris officio nos fore

cogendos, ut judicis tandem partes susciperemus. At enim nihil de animi sui pertinacia atque elatione remittens, tam procaciter Nobis atque injuriose respondit, ut id expectare vix potuissemus ab homine, cui nulla sit erga Apostolicam Sedem fides et observantia.

'Tam gravibus, tamque reprobandis admissis æqua lance perpensis, et spectata prædicti Decessoris Nostri Innocentii X. Constitutione, nemo non videt, quanto gravior per Nos fuisset animadversionis adhibenda severitas. Siquidem in eadem Constitutione memoratus Predecessor Noster statuit decernitque ut omnes et singuli S. Rom. Ecc. Cardinales, qui non obtenta a Romano Pontifice pro tempore existente licentia extra temporalem Ecclesiæ ditionem se transferant, statim eo ipso absque aliqua judicis vel alterius præcedente declaratione omnibus et quibuscumque privilegiis, immunitatibus, exemptionibus et indultis a Sede Apostolica concessis privati sint et existant; atque insuper poenam interdicti ingressus Ecclesiæ eo ipso pariter incurrant; nec non et aliis per Romanos Pontifices quovis modo arbitrandis poenis subjaceant, et etiam ad sequestrum omnium et singulorum fructuum, redituum, proventuum, tam quorumcumque officiorum et munerum etiam majorum et consistorialiter concessorum, specialique expressione dignorum, quam monasteriorum et aliorum quorumlibet beneficiorum sæcularium et cujuscumque ordinis regularium etiam jurisdictionem sive spiritualem sive temporalem habentium, nec non pensionum super quibusvis fructibus ecclesiasticis, contra eosdem Cardinales etiam sine

aliqua citatione vel declaratione deveniri possit ac debeat. Et si Cardinales prædicti per sex menses, qui pro tribus canonicis monitionibus peremptoriisque dilationibus et terminis assignantur a die eorum recessus computandi ad Romanam Curiam personaliter, et cum effectu non redierint, ultra pœnas prædictas, et cumulative cum illis, atque eo ipso pœnam incurrant privationis omnium et singulorum fructuum, redituum, proventuum, tam quorumcumque officiorum, munerum etiam majorum et consistorialiter concessorum, specialique nota dignorum, quam monasteriorum et aliorum quorumlibet beneficiorum sæcularium et cujuscumque ordinis regularium, quæ in titulum, commendam, administrationem, et alio quocumque modo obtineant, nec non pensionum super quibusque fructibus ecclesiasticis eisdem Cardinalibus assignatarum. Quod si lapsis prædictis sex mensibus, per alios sex menses immediate sequentes, qui pariter pro tribus canonicis monitionibus et peremptoriis terminis assignantur, ad Romanam Curiam personaliter, et cum effectu minime redierint, cumulative cum singulis prædictis pœnis, etiam pœnam privationis omnium prædictorum officiorum, munerum etiam majorum et consistorialiter concessorum, et beneficiorum quorumlibet tam sæcularium, quam regularium eo ipso itidem, et absque alia declaratione incurrant. Si autem Cardinales prædicti per alios tres menses immediate sequentes, qui pariter pro tribus canonicis admonitionibus, peremptoriisque dilationibus assignantur, et sic in totum infra quindecim menses ad Romanam Curiam personaliter, et cum

effectu non redierint, decernitur deveniri posse ad alias pœnas etiam quantumlibet majores, et graviores, atque individua mentione dignas, per Romanos Pontifices declarandas, atque etiam usque ad pœnam privationis Cardinalatus inclusive. Jam vero, quum exeunte mense Septembri anni 1865, quindecim mensium spatium effluxisset, postquam memoratus Cardinalis a civili Ecclesiæ Statu illicite recesserat, nullisque monitis atque hortationibus permotus in eadem contumacia perstaret, dignus profecto censendus erat qui, juxta Canonicas sanctiones, et prædictam Innocentii x. Constitutionem, Cardinalatus honore, et Episcopatu Sabinensi, aliisque, quibus gauderet, beneficiis privaretur. Verum ut ante grave illud animadversionis genus adhuc ei spatium relinqueremus colligendi se, et saniora consilia suscipiendi, utque securitati consuleremus fidelium Sabinorum et Sublaquensium, quibus datus ad salutem pastor ob prava illa exempla lapis offensionis evaserat, et petra scandali, per memoratas superius nostras litteras, nulla ex parte derogando Innocentii x. Constitutioni, prædictum Cardinalem suspensioni dumtaxat subjecimus, omnis jurisdictionis in Ecclesiam Sabinensem, et Abbatiam Sublaquensem, eisque Antistites præfecimus, qui ad Nostrum et S. Sedis nutum commissas sibi Diœceses administrarent. Hac porro irrogata suspensionis pœna, quæ levior multo esset, quam culpæ gravitas postularet, sperabamus quidem futurum, ut is ad bonam mentem, voluntatemque converteretur. Sed tamen concepta spes in irritum cessit; quippe eo temeritatis devenit, ut ab Apostolicis Nostris

litteris ad melius informatum Pontificem provocationem palam interjecerit; atque ad eludendam, si fieri posset, Apostolicæ Sedis auctoritatem illud adhibuerit effugii genus, quod ii plerumque adhibuerunt, qui S. Sedis sententiam declinare niterentur; quam quidem appellationem prædecessores nostri Romani Pontifices merito rejecerunt ac reprobarunt. Atque in hujusmodi causa absurda prorsus erat ea provocatio, quippe quod memorati Cardinalis admissa sic erant extra dubitationem posita, ita certa atque explorata omnibus, ut nulla possent tergiversatione eqlari.

'Neque vero hic se continuit, sed Litteris ad utrumque Clerum, et Populum Sabinensem et Sublaquensem missis, et vero etiam quaquaversus diffusis, asseruit, ac propugnavit irritas prorsus esse, et nullius vis ac roboris ad quoslibet canonicos effectus Apostolicas nostras Litteras, quibus interdictum illi est jurisdictionis exercitium; nulla legitima potestate pollere præpositos a Nobis administratores, eosque tamquam furtive, ac per vim suum in ovile immissos existimandos; se unum legitimum pastorem habendum, sibi proinde obedientiam præstandam. Atque eo progressus est, ut per epistolam typis editam audacter a Nobis petierit, ut memoratas Nostras Apostolicas Litteras revocaremus, utpote injustas ac nullius vis, atque efficaciæ; absisteremus aliquando ab ipso injuste insectando; sibique integrum esse affirmaverit interdictam per Nos jurisdictionem in utraque Diœcesi exercere tam in foro interno, quam externo.

'Quid quod suis in scriptis in lucem editis plura congessit ad minuendam deprimendamque Aposto-

licæ Sedis auctoritatem pertinentia, et Nos partim privatis litteris, partim etiam in vulgus emissis omni incessere contumelia minime veritus in persona Humilitatis Nostræ Apostolicæ Sedis sanctitatem dignitatemque violaverit? quid quod publicas commendaverit ephemeridas, quæ pravis infectæ doctrinis, et Sanctæ Sedi maximopere adversæ civilem illius principatum oppugnarent, atque adeo non obscure significaverit assentiri se nonnullis per suos fautores evulgatis libellis, qui propositiones falsas et omnino damnandas complecterentur?

'Gravia hæc quidem sunt, et reprobanda, in eo tamen reprobanda maxime, planeque non ferenda, qui Episcopali et Cardinalitia dignitate insignitus, Catholicam tueri ac propagare doctrinam, peculiarem erga Beatissimi Petri Sedem exhibere reverentiam, ejusdemque honorem, jura, privilegia servare ac promovere omni ope debeat, quemadmodum sese interposita juramenti fide in accipiendis Cardinalitiis insignibus obstrinxerat. Itaque quum tres et eo amplius anni elapsi fuerint, ex quo memoratus Cardinalis pertinaciæ culpa, aliisque excessibus insordescat, nullamque faciat spem ad bonam se frugem recipiendi, quumque scriptis in vulgus editis perversis ac turbulentis fidelium animos perturbet, ac transversos agat; quaque ornatus est dignitate in religionis detrimentum, et Romanæ Ecclesiæ dedecus abutatur; ne hoc tantum malum serpat latius, ac roboretur, Nobis qui quasi sumus speculatores domui Israel providendum omnino est, aliaque præcavenda pericula, quæ Ecclesiæ Dei exinde impendere noscamus. Proinde ipso vigilantiæ pastoralis officio, quantumvis inviti,

uti in illum cogimur severitate pœnarum, quas adversus hujusmodi contumaces Sacri Canones, et Pontificiæ Constitutiones decernunt; quippe animo etiam reputamus verissima illa S. Siricii Prædecessoris Nostri ad Himerium Episcopum Tarraconensem verba "Necesse est ut ferro abscindantur vulnera, quæ fomentorum non senserint medicinam." Attamen cum prædicto Cardinali mitius agere adhuc volentes, auditis Venerabilibus Fratribus Nostris S. E. R. Cardinalibus, supersedendum a dictarum gravitate pœnarum, et suspensionem ab insignibus, et privilegiis Cardinalitiis adversus ipsum decernendam in præsens existimavimus. Quapropter certa scientia ac matura deliberatione Nostra, deque eorumdem Cardinalium consilio, auctoritate nostra Apostolica memoratum Hieronymum D'Andrea Cardinalem suspendimus, ac suspensum declaramus ab honoribus, insignibus, et juribus dignitatis Cardinalitiæ, et signanter a voce activa et passiva in electione Summi Pontificis, sic ut ejusmodi pœnæ subjectus evocari non debeat, nec possit ad Conclave, neque admitti, quam evocationem et admissionem Cardinalibus eorumque Collegio prorsus prohibemus, sublata penitus quacumque ad suffragandum, et votum pro dicta electione dandum habilitatione, eumque ad Conclave evocandum facultate, quam quovis titulo, et ratione in corpore juris clausa, aut vigore quarumcumque Constitutionum Pii PP. IV., Gregorii XV., aliorumque Prædecessorum Nostrorum allegari contigerit, quibus omnibus et singulis, quorum tenores hic pro expressis et contentis habemus et plenaria nostra auctoritate derogamus, et pro derogato haberi

volumus et mandamus. Præterea memorato Cardinali D'Andrea trium mensium peremptorium terminum adsignamus, a datis hisce Nostris Litteris computandum, infra quem non per procuratorem sed personaliter et cum effectu coram nobis et hac Apostolica Sede sistere se debeat ad recipienda humiliter mandata Nostra. Quo termino inutiliter elapso, ad declarationem privationis Cardinalatus, Episcopatus sui Cardinalatus, nempe Sabinensis, nec non Abbatiæ Sublaquensis, aliorumque Beneficiorum, quibus ipse fruitur, deveniemus.

'Hæc volumus ac mandamus, decernentes has litteras etiam ex eo quod illi quorum interest, minime consenserint, et ex alia quacumque causa ullo unquam tempore de subreptionis aut obreptionis vitio, sive intentionis Nostræ defectu impugnari posse, sed ipsas præsentes litteras firmas, validas et efficaces existere et fore, suosque plenarios effectus sortiri et obtinere, et ab omnibus ad quos spectat seu spectabit inviolabiliter observari; sicque et non aliter per quoscumque quavis auctoritate et potestate fungentes sublata eis aliter judicandi et interpretandi facultate, judicari et definiri debere, atque irritum futurum et inane si secus super his a quocumque quavis auctoritate scienter vel ignoranter contigerit attentari. Non obstantibus nostra et Cancellariæ Apostolicæ regula de jure quæsito non tollendo, nec non quibusvis etiam in Universalibus Conciliis editis Constitutionibus aliisque ordinationibus etiam favore Cardinalium evulgatis, privilegiis quoque et indultis, quibuscumque personis quavis dignitate etiam Cardinalitia fulgentibus concessis, et pluries etiam

confirmatis et innovatis, ceterisque in contrarium facientibus, quamvis specifica et individua mentione dignis, quibus omnibus illorum tenores pro plene ac sufficienter expressis, atque verbo ad verbum insertis habentes, illis tamen alias in suo robore permansuris ad præmissorum effectum plene et expresse derogamus. Datum Romæ apud S. Petrum sub Annulo Piscatoris die XXIX. Septembris anno MDCCCLXVII. Pont. XXII.

'N. CARD. PARACCIANI-CLARELLI.'

The anomalous nature of the proceedings instituted against Cardinal Andrea comes out yet more clearly on comparison with what was done by the Holy See in two other cases of Cardinals in opposition, which we have not mentioned in the text. The publication of the Bull *Unigenitus* led in France to a dispute with the Holy See, on the part of a large portion of the clergy, which brought that kingdom to the brink of schism. At the head of those who refused to accept that Bull without satisfactory explanation of its intent was Cardinal Noailles, Archbishop of Paris; and the Jesuits set in motion all their influence to have him brought to condign punishment. The object they had at heart was to secure the blind acceptation of the Pope's Bull, and the degradation of the Prelates who had ventured on demurring; and they induced Pope Clement XI. to address a brief to Cardinal Noailles in April 1714, summoning him to accept the Bull within fifteen days 'purely, and simply, and without comment,' after the lapse of which term, if

still refractory, the Pope 'declared that he would strip him of the dignity of Cardinal.'[1] Louis XIV., though in favour of the acceptation of the Bull, resented, however, this threatened exercise of the Pope's authority against the Archbishop of Paris, and would not permit the Brief to have public course. But this did not quash the dispute, which became more and more envenomed, until, in November 1716, the Pope coerced the Cardinals into subscribing a letter he had himself drawn up, whereby they professed to exhort their colleague Noailles to submit, and which was accompanied by a Brief, directed to the Regent Orleans, wherein the Pope declared that if this appeal were disregarded, no further mercy could be expected. This Brief the clergy were inhibited by royal veto from receiving, and in March 1717 four Bishops lodged with the Sorbonne a formal appeal, in the matter of the Bull *Unigenitus*, to a *future General Council*, and this appeal Cardinal Noailles approved as quite canonical, although he himself still abstained from the same step. But when it seemed certain that in Rome the proceeding of the Bishops was about to be censured, Noailles himself lodged, though for a time secretly, a similar appeal to the *Pope, melius informandus*, and *to a General Council* in the matter of the Bull, and of *the Pope's refusal to explain it.* Manifestly here was an act

[1] See *Journal de L'Abbé Dorsanne contenant tout ce qui s'est passé à Rome et en France dans l'Affaire de la Constitution 'Unigenitus,'* vol. i. p. 192. This is the most complete and official account of this curious quarrel.

of possibly very deferential, but decidedly very distinct, resistance to the will of the Pope, who was, on his part, little disposed to put up with it. Agents were now despatched to and fro between Paris and Rome, but no form of explanation which Noailles could suggest found acceptance with the Pope, and at last, on the 3d March 1718, there appeared a decree of the Holy Office condemning severely the appeal of the four Bishops and Cardinal Noailles. This was followed up by tidings of the imminent issue of a Brief declaring those schismatics who did not accept the Bull simply and purely, whereupon Noailles, to have the start of the Pope, convened a General Assembly of the Chapter of Notre Dame where he made public his appeal, which next day was stuck against the church-doors in his diocese. This led to a furious decree of the Inquisition of the 12th August 1719 against the Cardinal, and in July, Dorsanne tells us, the Pope's mind was wholly set on the project of stripping Noailles of his hat and stockings. Yet with all the passions excited against the recalcitrant obstinacy of the French Prelate in refusing to accept Papal dictation implicitly, the desire to wreak the uttermost vengeance on his head was arrested by the sense of the practical difficulties that stood in the way of its accomplishment. In spite of the Pope's animosity and the fanning action of the Jesuits, it was found desirable to let the matter drop. Cardinal Noailles, though censured and fulminated against, escaped further prosecution, and continued Archbishop of Paris to his death, before

which he had reconciled himself with his adversaries by a compromise, due mainly to the Regent Orleans's influence.

The other case that offers a remarkable contrast to the mode in which Pius IX. has acted, is that of the protest signed on 6th April 1803, in London, by the French emigrant Bishops, headed by Cardinal Montmorency-Laval against the Bulls *Ecclesia Christi* and *Qui Christi Domini*, which Pius VII. had issued with the view of superseding them in their Sees after the conclusion of the Concordat. If there be such a thing as canonical obedience due to a Pope's utterance, simply because uttered by a Pope and irrespective of its subject, then certainly these Prelates who distinctly impugned solemn Bulls must have been guilty of it; and yet it does not seem that Pius VII. in any manner proceeded against Cardinal Montmorency-Laval.

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EDINBURGH: T. CONSTABLE,
PRINTER TO THE QUEEN, AND TO THE UNIVERSITY.

00111046

Digitized with financial assistance from the
Government of Maharashtra
on 19 September, 2016